

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2014–2015

Outcome 1 - Employment

Department of Employment Question No. EM0836_15

Senator Moore asked on 2 June 2014 on proof Hansard page 71

Compliance with the Workplace Gender Equality Procurement Principles

Question

Compliance policy

Senator MOORE: So what is the current status within the procuring agency of their understanding of this requirement? How do we know how it works? I have to admit I have had some trouble tracing it. Can you put that on notice? This is a really important component of the whole original process. We talked a lot about the theory that people should. I have to admit that sometimes I feel some organisations may have felt a sense of pride at being named because of whatever position they held on this issue. But it was really, in terms of the introduction of this legislation, that there could be some penalty. If you are not going to comply with your reporting rights and if you want to have government funding, you may not get it. I am really trying to get some feel of how that is working. Senator Abetz: I understand from the director that a company has just complied within the last few months for fear of not being able to get a government contract. So these codes, be it the building code or other codes, do assist. Senator MOORE: If I could get something on notice about how exactly that works, that would be great. Thank you.

Answer

The Workplace Gender Equality Procurement Principles (the Principles) came into effect on 1 August 2013. These Principles apply to all approaches to market undertaken by Australian Government agencies at or above the relevant procurement threshold, in most cases \$80,000, and suppliers and their subcontractors covered by the *Workplace Gender Equality Act 2012* (the Act). Under the Principles, Australian Government agencies are unable to enter into contracts with suppliers who are non-compliant with the Act.

The Workplace Gender Equality Agency issues all compliant employers with a 'letter of compliance' that certifies that the employer has complied with the Act.

Government agencies are required to determine whether the Principles apply to the procurement when undertaking an approach to market. If the Principles apply, agencies are required to include information in the procurement documentation advising that a successful tenderer must be compliant under the Act and the tenderer must provide a current letter of compliance to the Government agency undertaking the approach to market. Prior to entering into a contract with a business, Government agencies must ensure that the business (if the business is a relevant employer under the Act) provides their letter of compliance.

As well, the Principles require that prior to making a submission in response to an approach to market, potential suppliers must determine whether they are covered under the Act. Tenderers are required to indicate whether or not they are a relevant employer in their submission and provide their letter of compliance to the Government agency.

The Workplace Gender Equality Procurement Principles and User Guide can be found at www.wgea.gov.au/about-wgea/workplace-gender-equality-procurement-principles.