



Inquiry into Financial Management and Government Procurement Legislative Compliance

Answer to question on notice

Asked by: Ms Fiona Carrick MLA

Addressed to: Minister for Finance

Reference: Treasury

Hearing: 22 April 2026

In relation to: Government Procurement Act 2001 and Compliance

Question received: 30 April 2026

Answer Due: 8 May 2026

Minister

The purpose of these questions is to determine whether the current operation of the Government Procurement Act 2001 effectively supports good procurement practice in substance, not merely formal compliance.

- (1) What aspects of the Act are routinely complied with procedurally, yet do not meaningfully influence procurement outcomes, decision quality, or risk management?
- (2) Which sections of the Act are most commonly associated with adverse audit findings, qualification, or management comments across agencies and over time?
- (3) Do current requirements allow external scrutiny of critical decisions such as value-for-money assessments, use of confidentiality, limited tendering, and material contract variations?
- (4) Are there areas where reliance on non-statutory guidance, delegated authority, or agency discretion leads to inconsistent application or uncertainty about legal obligations?
- (5) Are there recurring procurement failures or risks (financial, probity, market fairness, or reputational) that fall outside the Act's current compliance and enforcement framework?

Thank you

Minister for Finance: The answers to the Member's questions are as follows:

As set out in the ACT Government's submission to this Inquiry, Territory entities are responsible for complying with the Act and ensuring procurement outcomes are achieved, including decision making and risk management. Agencies are required to report on non-compliance with legislative requirements in their Annual Reports.

Procurement actions, including decisions, may be examined through an agency's internal audit program or via audits conducted under the *Auditor-General Act 1996*. The ACT Auditor-General's submission to this Inquiry referenced a range of performance audits and information relating to procurement and contracting matters. Other oversight mechanisms include administrative and judicial review under the *Administrative Decisions (Judicial Review) Act 1989*, investigations by the ACT Ombudsman under the *Ombudsman Act 1989*, or the Integrity Commission regarding matters involving alleged corrupt conduct.

In addition, the [Supplier Complaints Management Procedure](#) is designed to provide an effective and efficient process for managing supplier complaints about a specific Territory procurement.

The recent procurement reforms provided an opportunity for the Government to examine and reform the procurement framework in line with feedback from consultation and policy analysis. This work is now bedding down across Government and in a consolidation phase prior to being reviewed.

Approved for circulation to the Select Committee on Financial Management and Government Procurement Legislative Compliance

Signature:



Date:

13 / 5 / 26

By the Minister for Finance, Ms Rachel Stephen-Smith