



Standing Committee on Education and Community Inclusion

Inquiry into Annual and Financial Reports 2020-2021
ANSWER TO QUESTION TAKEN ON NOTICE
28 February 2022

Asked by Lawder on 28 February: Jessica Summerrell took on notice the following question(s):

[Ref: Hansard Proof Transcript: 28 February 2022, Pg. 60, 61, 62 and 63]

In relation to:

1. Do you know how frequently the Office of Women are meant to report and have these publicly available reports? I have heard from some other tenderers that that was part of the requirement.
2. Has there been a formal contract variation to take into account these COVID-related delays?
3. Do you know when gender equity strategies were introduced in the ACT as part of a tender process?
4. How many successful tenders there have been, successful contracts awarded, versus how many of them have gender equity strategies in place, and if that data, again, is not collected, why do we do it?

MS BERRY: The answer to the Member's question is as follows:—

1. The CFMEU, who were the successful tenderer, are required to provide progress reports to the Office for Women. However, there is no requirement for public reporting from the CFMEU on the Project Coordination Project. The resources resulting from the cumulative research and industry engagement will be made publicly available on the completion of this project.
2. There has been no contract variation.
3. There are two actions under the *First Action Plan 2017-2019*, under the *ACT Women's Plan 2016-26*, that relate to the use of Gender Equity Strategies in procurement. Action 1.3: *Develop template and guidance material for directorates and funded contractors to develop Gender Equity Strategies*; and Action 2.3. *Establish procurement strategies that prioritise contractors with Gender Equity Strategies*. Details on the reporting of these actions is publicly available here: [First Action Plan 2017-19 - Community Services](#)

In late 2018, Procurement ACT incorporated a survey into the Whole of Government Professional Services Panel to better understand the proportion of these suppliers that have established Gender Equity Strategies. The survey indicated that a very high proportion of these suppliers have policies and strategies in place to promote gender equity in their businesses. The outcomes

from the survey have been used to inform the statutory and policy elements of the ACT Government Procurement Framework that promote gender equality through procurement:

- **The ACT Government requires all suppliers to maintain compliance with the Workplace Gender Equality Act 2012 (Cth)** (Act). This means Territory entities cannot enter into a contract with a supplier named by the Workplace Gender Equality Agency as an employer not complying with the Act. To comply with the Act, suppliers must lodge reports each year containing information relating to various gender equality indicators, for example, details of formal policies or strategies to support gender equality and level of equal remuneration between women and men.
 - **Labour Relations, Training and Workplace Equity Plan (LRTWE Plan)** is a requirement under the Secure Local Jobs Code (Code) whereby suppliers must submit a LRTWE Plan with relevant tender submissions. A supplier's LRTWE Plan includes information on how a supplier will comply with the Code, how they support employment security, health and wellbeing, diversity, and career development for their employees. The diversity component of the LRTWE Plan specifically seeks input and evidence on business strategies and processes supporting employment participation of women and other diversity groups. The *Government Procurement Act 2001* requires suppliers to report on their compliance with previous LRTWE Plans when tendering for ACT Government contracts.
 - **Government Procurement (Charter of Procurement Values) Direction 2020** (Direction) comprising of 6 procurement values, requires Territory entities to consider a range of ethical, environmental, economic and social factors in each their procurements. Specifically, the Diversity, Equity and Inclusion procurement value supports procuring from suppliers that demonstrate inclusive practice in their employment decisions, career development and business operations for people who face barriers to equal opportunity in employment. Territory entities may request that suppliers provide a gender equality strategy as part of a tender submission where it has been identified as an opportunity to enhance the pursuit of value for money outcomes. Territory entities must also report on which Procurement Value(s) have been applied in any procurement process resulting in a notifiable contract.
4. The measures outlined above are part of the tender evaluation or contract management stages of individual procurement and there is no reporting obligation specifically to identify if a procurement has included a gender equality strategy. The Gender Equity Strategies and related materials are not requested for the purposes of collecting data. Rather, to draw the focus of organisations towards gender equity, open the dialogue on how organisations can best support women and to provide guidance on how to improve gender equality through strategic actions with measurable outcomes.

Approved for circulation to the Standing Committee on Education and Community Inclusion

Signature:

Date:

18/04/22

By the Minister for Women, Yvette Berry MLA