



Terms of Reference – Review of the Workplace Gender Equality Procurement Principles

Context

The Australian Government undertook a targeted review of the *Workplace Gender Equality Act 2012* (the Act) in late 2021 which was published on the Department of the Prime Minister and Cabinet's [website](#) on 4 March 2022. In August 2022, the Government committed to implement all ten recommendations of the Review. One recommendation proposed the Office for Women in the Department of the Prime Minister and Cabinet (PM&C) in consultation with the Department of Finance and other relevant departments, review the Workplace Gender Equality Procurement Principles (WGE Procurement Principles).

The WGE Procurement Principles describe the Australian Government procurement connected policy associated with the Act. The revised procurement policy came into effect on 1 August 2013. The review of the WGE Procurement Principles (WGE Procurement Principles Review) will consider how the Australian Government applies the principles in practice and the broader opportunities available to strengthen their effectiveness for both enforcing obligations under the Act and encouraging stronger action from employers.

Scope

The WGE Procurement Principles Review will examine the application of the WGE Procurement Principles across the Australian Government and assess their effectiveness in ensuring employers comply with the Workplace Gender Equality Agency (WGEA) reporting obligations for Commonwealth procurement participation.

The Review will consider:

- the practical application of the WGE Procurement Principles, how they have been applied in practice, and what success and/or challenges agencies have faced in applying the principles
- the regulatory impact of the WGE Procurement Principles on Commonwealth entities and potential suppliers
- coverage of the WGE Procurement Principles, including thresholds for applicability.

The Review will take into account:

- advice and input on the effectiveness of the WGE Procurement Principles in achieving its purposes, including historic records of organisations being awarded Australian Government contracts despite being non-compliant with the principles, and any demonstrated improvement in supplier practices, as a result of the WGE Procurement Principles
- the objectives and consultation findings of the National Strategy to Achieve Gender Equality.

Stakeholder Consultation

The WGE Procurement Principles Review will be informed by consultation with relevant procuring entities. A public consultation process will be held, where employers are invited to provide a written submission to a public consultation paper on the review. Targeted representatives from the business and not-for-profit sectors who engage in procurement opportunities may be invited to participate in a roundtable forum to explore the issues further.

Governance and Deliverables

The WGE Procurement Principles Review will commence in August 2023. It will be led by the Office for Women in PM&C, in consultation with WGEA and the Department of Finance. As a procurement connected policy, any revisions to the WGE Procurement Principles will be subject to Cabinet approval (noting revisions to procurement connected policies are also subject to agreement of the Finance Minister).