



Australian Government

Department of the Prime Minister and Cabinet

# Government Procurement (Judicial Review) Complaint Handling Policy

June 2021



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# Introduction

The Department of the Prime Minister and Cabinet (PM&C) must comply with the [Commonwealth Procurement Rules](#) (CPR's) when procuring goods and services.

The Government introduced the [Government Procurement \(Judicial Review\) Act 2018](#) (GPJR Act) to provide suppliers and/or potential suppliers with a mechanism for lodging a formal complaint, if they believe:

1. a department has or will breach relevant CPR's relating to a **covered procurement**, and
2. this will affect their interests.

A more detailed explanation of the GPJR Act is provided in the Department of Finance resource guide [Handling Complaints under the Government Procurement \(Judicial Review\) Act 2018](#) (RMG 422).

## What is a Covered Procurement?

According to the GPJR Act a **covered procurement** is:

- a procurement where both Division 1 and 2 of the CPR's apply
- usually an Open or Limited Tender using the Conditions for Limited Tender outlined in part 10.3 of the CPRs.
- where the procurement value is at or above the following thresholds:
  - \$80,000 (incl. GST) – for procurements other than construction services
  - \$7.5m (incl. GST) – for procurements of construction services
- not otherwise exempt from compliance with Division 1 and/or Division 2 of the CPRs

## What we need from you?

If you believe that PM&C has or will breach the CPRs in relation to a **covered procurement** and this will affect your interests, submit your complaint using the online form. Please complete all the mandatory fields to allow us to address your complaint promptly. This includes:

- providing your name, the business you represent and your contact details
- identifying which PM&C procurement activity you are complaining about
- clearly reference the relevant paragraph(s) of the CPR's you believe have/will be breached, and
- explain how your interests will be affected by the alleged contravention(s).

## How will the Department respond?

The Department will:

- acknowledge receipt of your complaint as soon as practicable
- assess if your claim demonstrates that a breach has/will occur in accordance with section 18(1) of the GPJR Act
- immediately suspend the procurement activity if your complaint is determined to be valid. The exception to this, is if a Public Interest Certificate (PIC) is already in force. The Department will advise you if this is the case

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- investigate legitimate complaints and work with you to find a solution within seven working days. However if the matter is complex, more time may be required to resolve the complaint. The Department will keep you informed if an extension is required
  - seek your written confirmation that the complaint is resolved. You have five working days to respond to the Department's request
  - provide a written report informing you of the outcome of the investigation.

## How do we protect your personal information?

Your personal information is protected under the [Privacy Act 1988](#) (Cth), which includes the [Australian Privacy Principles \(APPs\)](#).

To achieve a resolution, the investigation of your complaint may involve sharing your personal (including sensitive) information with other relevant areas within the Department. We may also share your information with another government agency if for example, we think that they can better assist you in relation to your complaint or we require information from that agency to consider and resolve your complaint.

The Department also collects and uses a range of personal information for monitoring, evaluating, reporting on and improving its services and functions, and for meeting statutory timeframes. The Department removes identifying details about your personal and sensitive information, unless it is reasonably necessary to use and disclose for these purposes.

Our [Privacy Policy](#) provides more information about how we protect your personal information and who to contact if you have a privacy-related enquiry or complaint.