



Australian Government
Department of Education

Public Governance, Performance and Accountability Amendment (Ban Unethical Contractors) Bill 2025

Submission from the Department of Education to
the Senate Standing Committees on Finance and
Public Administration

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Introduction

The Department of Education (the department) welcomes the opportunity to make a submission for the Public Governance, Performance and Accountability Amendment (Ban Unethical Contractors) Bill 2025 (the Bill). This submission outlines existing departmental measures to manage and detect unethical behaviour of suppliers.

Adherence to government requirements on supplier engagement

The department follows all guidance issued by the Department of Finance (Finance) regarding supplier engagement. This includes compliance with policies and frameworks that promote transparency, integrity, and value for money. In line with these requirements, the department ensures that suppliers identified by Finance as restricted or unsuitable are not engaged in any procurement activity.

Established and effective internal controls

The department has a range of processes in place to address integrity risks throughout the procurement lifecycle. Requests for tender and quote require tenderers to complete compliance declarations covering conflicts of interest, workplace laws, and tax obligations. During an evaluation process, officials are required to make reasonable enquiries about potential suppliers, including searches for adverse media reports relating to the organisation or key personnel and to consider a supplier's and key personnel's previous contract performance and compliance. For contracts above \$400,000 with non-panel suppliers, financial viability assessments are conducted as part of the evaluation process.

Contract templates include clauses that impose ethical conduct obligations, such as Notification of Significant Events, compliance with the National Anti-Corruption Commission, and adherence to the Commonwealth Supplier Code of Conduct. Evaluation plans provide guidance on entities that must not be contracted, including those non-compliant with the Workplace Gender Equality Act or listed on the Department of Foreign Affairs and Trade sanctions list. For procurements over \$80,000 or considered complex or high-risk, written referee reports are obtained, which include questions on past ethical conduct and performance.

Following contract award, officials monitor supplier behaviour in line with internal and external guidance, including periodic performance reporting and risk management throughout the contract lifecycle.

The department also requires suppliers to complete an Annual Commonwealth Contract Compliance Statement, or at contract end for shorter engagements. This statement confirms compliance with contract terms and relevant Commonwealth legislation and policies, including the Supplier Code of Conduct, confidentiality, conflicts of interest, significant events, modern slavery, fraud, and taxation laws.

Summary

The department notes that the Bill proposes the establishment of a formal debarment regime and a public register of excluded entities. Existing departmental practices aim to manage integrity risks, and the department will comply with any additional requirements should the Bill come into effect.