## Social Procurement Guideline

## Intent

## To engage an ethical, inclusive and sustainable supplier community, that will ensure that our actions today do not limit the range of ethical, social, cultural, environmental and economic options open to us and future generations. This includes contributing to society in ways that enrich and transform lives.

## Scope

## The framework seeks to streamline and embed social procurement within the day to day procurement processes of JCU.

## To achieve this we need to:

## Adopt a standard and consistent approach across JCU;

## Effectively measure and report;

## Establish processes that are user-friendly and supported with guidance, education, tools and templates;

## Purchase directly from indigenous businesses, social enterprises, fair trade or other suppliers that generate a social and/or environmental benefit as part of their core business model; and

## Influence and enable suppliers by consultation or through the tendering or contracting process to generate social and/or environmental benefit through the provision of goods.

## Definitions

**Australian Aboriginal and Torres Strait Islander Businesses (ATSI) -** an Indigenous business is one that is at least 50 per cent owned by an Aboriginal or Torres Strait Islander person.

**Australian Disability Enterprises (ADE’s)** - are Commonwealth funded and generally not-for-profit organisations operating in a commercial context, specifically to provide supportive employment opportunities to people with moderate to severe disability.

**Modern Slavery –** includes human trafficking, slavery and slavery like practices such as servitude, forced labour, forced or servile marriage, debt bondage and the worst forms of child labour.

**Procurement –** the act of obtaining or buying goods and services. This process includes planning, preparation and processing of a demand as well as the end receipt and approval of payment.

**Procurement Planning -** is the process of identifying and consolidating requirements and determining the process and timeframes for the Procurement activity.

**Purchaser –** a staff member, student, contractor or work unit making a purchase acting on behalf of JCU.

**Reconciliation Action Plan (RAP)** –the James Cook University Reconciliation Action Plan as updated from time to time. The aim of the RAP is to build strong relationships, increase respect and improve opportunities for Australian Aboriginal and Torres Strait Islander peoples.

**Social Benefit** (or social value) - the positive impacts on people, places or communities generated through procurement practices.

**Social Enterprise** - a social enterprise is a business that operates to address social problems, improve communities, or help the environment. A social enterprise generates most or all of their income from trade (not grants or donations)

**Social Procurement** - using JCU’s purchasing power to generate social benefits, adding value to procurement outcomes and supporting supplier and workforce diversity.

**Sustainable Development Goals (SDG’s) -** adopted by all United Nations Member States in 2015 as a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030.

**Workplace Gender Equality -** is achieved when people are able to access and enjoy the same rewards, resources and opportunities regardless of gender. Workplaces provide equal pay for work of equal or comparable value. Removal of barriers to the full and equal participation of women in the workforce.

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## Introduction

## The decisions that JCU makes throughout the procurement process have a significant impact on the economy, the environment and the community. These decisions include what we buy, who we buy from, what standards we set for our suppliers, how we manage our supply chain, and what outcomes we seek to achieve.

## Social procurement refers to how JCU spending can be used to support social priorities. By leveraging even a small slice of JCU’s spend to add social value, local communities and suppliers can benefit enormously. For example, social and economic participation are indicators of the overall health and vibrancy of a community, so creating employment opportunities is an important priority for JCU*.*

## JCU Social Procurement Objectives

Procurement is a vital consideration for driving systemic change, because it is the mechanism through which JCU expends most of our resources in the purchase of goods and services.

Social procurement can take the form of JCU using an appropriate procurement opportunity (major project or routine) to generate targeted employment for specific population groups.

Groups targeted by these procurement activities may include people with a disability, those who have experienced long-term unemployment, Indigenous Australians, culturally and linguistically diverse groups, youth, public housing tenants, or residents of communities impacted by social and economic disadvantage.

|  |  |
| --- | --- |
| Social procurement objectives | Outcomes sought |
| Opportunities for Australian Aboriginal and Torres Strait Islander people | * Purchasing from Australian Aboriginal and Torres Strait Islander Businesses
* Employment of Australian Aboriginal and Torres Strait Islander people by suppliers to JCU
 |
| Opportunities for people with a disability | * Purchasing from Australian Disability Enterprises
* Employment of people with a disability by suppliers to JCU
 |
| Equality and safety for women | * JCU commitment to the elimination of sexual harassment and sexual assault in the workplace
* Gender equality within JCU suppliers
 |
| Opportunities for disadvantaged people | * Purchasing from social enterprises
* Creation of employment opportunities for disadvantaged people by our suppliers
 |
| Support of safe and fair workplaces | * Purchasing from suppliers that comply with industrial relations laws and promote safe employment
 |
| Eliminate modern slavery from the JCU supply chain | * Purchasing from suppliers who are addressing modern slavery
* Join organisations such as Social Traders
* Educate current suppliers to address slavery in their own supply chains
 |
| Support ethical suppliers | * Purchasing from suppliers that comply with the Queensland Government Ethical Supplier Mandate and Threshold
* Preferred suppliers are compliant with the Ethical Supplier Mandate and Threshold
* Small businesses who submit a voluntary Modern Slavery report
 |
| Purchase environmentally sustainable and climate friendly products | * Purchasing from suppliers that source, manage and use resources sustainably, including to manage waste and pollution
* Purchase from suppliers who adopt environmentally sustainable business practices
* Purchase from suppliers who are actively addressing climate change, for example through carbon reduction and/or renewable energy practices.
 |
| Consider the Sustainable Development Goals in all JCU procurement activities | * Purchase from suppliers that are actively addressing the SDGs in their supply chain
 |

## Purchasing from Social Enterprises

## Social enterprises are businesses that trade to intentionally tackle social problems, improve communities, provide people access to employment and training, or help the environment. They derive most of their income from trade (not donations or grants) and use the majority of their profits to contribute to their social mission.

Among other benefits, social enterprises play an important role in providing transitional employment for disadvantaged job seekers, including people with disability, as a pathway to employment in mainstream businesses. Social enterprises can also provide ongoing employment options for disadvantaged job seekers who may not be well placed to sustain mainstream employment over the longer term.

How can JCU add social benefit to our procurement activities?

1. Routine purchases

Low value, low risk purchases via quotes or corporate credit cards are a great way to have an impact when buying goods or services, for example catering, gardening, cleaning etc. These smaller purchases will often suit buying directly from local social benefit providers. They play an important role in promoting social procurement practice within JCU, help social benefit suppliers remain viable, prove their capacity as suppliers and ‘scale up’ as they gain more regular access to JCU jobs.

1. Significant procurements

There are different ways to add social value to a procurement project. It is important to plan early and carefully.

## Set-asides - A set aside is a practice whereby a specific procurement initiative or portion of a procurement spend is ‘quarantined’ and offered, in the first instance, to a particular grouping or type of business, such as social enterprises. Set-asides must still involve a competitive process.

## Social clauses - You can include social benefit requirements as clauses in tender and contract documents. For example, a clause might require indigenous trainees to be engaged on a project.

## Breaking down large procurements - Sometimes it is possible to break down larger procurements into smaller components. Breaking down a contract may make it possible for social benefit suppliers and small businesses to bid for JCU work, increasing supplier diversity.

## Purchasing from Australian Aboriginal and Torres Strait Enterprises

The JCU Reconciliation Action Plan (RAP) requires anyone involved in procuring goods or services on behalf of JCU to investigate and promote supplier diversity opportunities to increase the number of Australian Aboriginal and Torres Strait Islander businesses within the JCU supply chain.

Indigenous businesses are significantly more likely to employ Aboriginal and Torres Strait Islander peoples, relative to non-Indigenous businesses. Growing Indigenous businesses is a viable pathway to create employment and increase the economic participation of Aboriginal peoples and Torres Strait Islander peoples. A number of resources are available to assist JCU staff in procuring from ATSI businesses. These include:

[Queensland Indigenous Procurement Policy](https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/queensland-indigenous-procurement-policy)

[Queensland Procurement Policy](https://www.forgov.qld.gov.au/procurement-policy)

[Black Business Finder](http://www.bbf.org.au/)

[Supply Nation](https://supplynation.org.au/)

[Department of Aboriginal and Torres Strait Islander Partnerships](https://www.datsip.qld.gov.au/department-aboriginal-torres-strait-islander-partnerships)

[Queensland Government Social Procurement](https://www.forgov.qld.gov.au/consider-social-procurement)

## Social Procurement Framework and Expectations

## Individual Procurement Activity Requirements

Each procurement activity should consider the requirements in the table below.

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| **Individual Procurement Activity Requirements** |
|  | **Below threshold**Under $200k | **Lower band**$200 to $500k | **Middle band**$500k to $20mill | **Upper band**>$20mill |
| ***Planning requirements for Purchasers*** | Incorporate SPF objectives and outcomes into day to day procurement activity | Incorporate SPF objectives and outcomes into procurement planning | Include SPF as part of the procurement planning process |
| ***Approach*** | **Encouraged**Seek opportunities where available to directly or indirectly procure from social enterprises, ADE’s or ATSI businesses | **Proportionate**Use evaluation criteria (5 to 10% weighting) to favour businesses whose practices support social procurement objectives | **Targeted** Include performance standards and contract requirements that pursue social procurement objectivesUse evaluation criteria (5 to 10% weighting) to favour businesses whose practices support social and sustainable procurement objectives | **Strategic**Include performance standards, targets and contract requirements that pursue social procurement objectivesUse evaluation criteria (5 to 10 % weighting) to favour businesses whose practices support social and sustainable procurement objectives |
| **Recommended actions for Purchasers** |
| ***Social enterprises, ADE’s and ATSI businesses*** | Seek opportunities to directly or indirectly procure from social enterprises, ADEs or ATSI businesses | Consider whether part of the overall procurement requirements can be unbundled to provide the ability for social enterprises, ADEs or ATSI businesses to be able to supply to JCU | Include targets in contracts for supplier expenditure with social enterprises, ADEs or ATSI businesses and ask suppliers to demonstrate how they will meet these targets |
| ***Disadvantaged communities*** | Set supplier targets for employment and training for disadvantaged people |
| ***Gender*** | Ask suppliers to demonstrate gender equitable employment practices in their business | Ask suppliers to demonstrate gender equitable employment practices in their businessInclude weighted criteria in supplier selection processes | Include performance standards in contracts on work performed by womenInclude weighted criteria in supplier selection processes | Include industry appropriate targets for work to be performed by women in contractsInclude weighted criteria in supplier selection processes |
| ***Disability*** | Ask suppliers to demonstrate inclusive employment practices in their business | Ask suppliers to demonstrate how they include inclusive employment practices in their business.Include weighted criteria in supplier selection processes | Include performance standards on work performed by people with a disability.Include weighted criteria in supplier selection processes | Include industry appropriate targets for work to be performed by people with a disabilityInclude weighted criteria in supplier selection processes |
| ***Fair and safe workplaces*** | Ask suppliers to demonstrate compliance with industrial relations laws. Where supply chains are overseas, suppliers to demonstrate commitment to fair and safe workplace practices even where local laws are insufficient. |
| ***Environmental sustainability*** | Ask suppliers to demonstrate environmentally sustainable business practices.  | Ask suppliers to demonstrate environmentally sustainable business practices. Include weighted criteria in supplier selection processes | Include relevant industry appropriate targets for recycled content, waste management and energy consumptionInclude weighted criteria in supplier selection processes |
| ***Modern Slavery*** | Suppliers to demonstrate payment of a living wage in all tiers of their supply chain, or efforts being taken to ensure thisPreference for suppliers who have submitted a voluntary Modern Slavery report | Include relevant industry appropriate requirements for suppliers to be able to demonstrate payment of a living wage in all tiers of their supply chain and/or compliance with relevant WH&S regulations being enforced and maintained. Suppliers required to submit their Modern Slavery statement with their RFx response.Include weighted criteria in supplier selection processes |
| ***Climate change*** | Ask suppliers to demonstrate appropriate requirements for climate change resilience, for example through carbon reduction and/or renewable energy practices | Where practical include industry appropriate requirements and targets for the reduction of greenhouse gas emissions and climate change resilience |

## Modern Slavery

Modern Slavery is an umbrella term used to describe extreme forms of exploitation such as human trafficking, slavery, servitude, forced labour, debt bondage, forced marriage and the worst forms of child labour. Practices such as substandard working conditions or underpayment of workers may also be present in some situations of modern slavery ([Department of Home Affairs](https://www.homeaffairs.gov.au/criminal-justice/Pages/modern-slavery.aspx), 2020).

There are currently 40.3 million men, women and children trapped in slavery worldwide, 75% are women and girls. 24.9 million people live in slavery in the Asia-Pacific region, accounting for the highest number of victims across all forms of slavery ([Global Slavery Index](https://www.globalslaveryindex.org/2018/findings/regional-analysis/asia-and-the-pacific/), 2020). Modern slavery is present in all sector supply chains and it is partially driven by the pursuit of cost reduction.

JCU’s University Plan and Statement of Strategic Intent expresses a strong commitment to sustainability. In addition, being a university signatory to the [United Nations Sustainable Development Goals](https://www.un.org/development/desa/disabilities/envision2030.html) (SDGs), JCU has committed to fighting inequality and injustice and promoting the principles of the SDGs. Goal 8.7 states, “adopt effective measures to eradicate forced labour, end modern slavery, and human trafficking as well as child labour in all its forms by 2025”.

JCU can play an effective role in combating modern slavery through its procurement practices. By creating explicit standards and minimum requirements for selecting and engaging suppliers, JCU can deliver its commitment to sustainability and the SDGs. Moreover, JCU can demonstrate leadership in educating and encouraging other businesses to address slavery in their supply chains, as part of its pledge to give back to the communities of the tropics.

Additionally, the [Australian Modern Slavery Act 2018](https://www.legislation.gov.au/Details/C2018A00153) requires all entities (including Universities) based, or operating in Australia, which have an annual consolidated revenue of more than $100 million, to report annually on the risks of modern slavery in their operations and supply chains and provide actions to address those risks. This report will be publicly available and has the potential to affect JCU’s standing in the competitive university sector. The Act requires JCU to demonstrate substantial actions being taken to address risks of modern slavery in its supply chains. By setting explicit standards and expectations of suppliers and educating and working with suppliers to address risks in their own business, JCU is demonstrating a commitment to equality and sustainability at the foundational level and establishing its position as a leader in this field.

The first reporting period for JCU is the 2020 financial year.

Some resistance from suppliers, staff and students is expected. However, this can be used as an opportunity for education and meaningful engagement, enabling people to make better purchasing decisions in their businesses as well as their personal life.

## Workplace Gender Equality

JCU is a member of the SAGE Athena SWAN Program which supports and strives for gender equity in STEMM particularly within higher education.

Athena SWAN is an initiative which was founded in the UK and is administered within Australia by SAGE (Science Australia Gender Equity).

Our membership means we are committed to creating a gender inclusive workplace, which is evidenced by our development of a four-year action plan.

This action plan focuses on all stages of the employment lifecycle where inequity can occur.

We are therefore seeking to improve the employee experience during recruitment, on-boarding, development and promotion and also in the day-to-day nature of our work to create an inclusive and equitable culture for JCU.

## JCU Reconciliation Action Plan

JCU’s vison for Reconciliation as outlined in our [RAP](https://www.jcu.edu.au/__data/assets/pdf_file/0014/1113206/APPROVED-James-Cook-University-Innovate-Formally-Endorsed-From-RA-Website.pdf) is ‘to build strong relationships, increase respect and improve opportunities for Australian Aboriginal and Torres Strait Islander peoples.’

Our RAP is structured across four pillars of Relationships, Respect, Opportunity and Tracking progress and reporting.

Specifically, the Opportunity pillar of RAP details the central action and key deliverables which will drive activities to improve the participation of Australian Aboriginal and Torres Strait Islander in the JCU procurement chain.

The focus point for action in the procurement space is the requirement for JCU staff involved in purchasing goods and services to investigate and promote supplier diversity by increasing the number of Australian Aboriginal and Torres Strait Islander businesses in our supply chain.

Stakeholders are encouraged to consider the potential barriers that may existing in engaging Indigenous businesses in our supply chain and how we overcome those barriers. Engagement with Indigenous Chambers of Commerce, Indigenous Business Australia, Supply Nation as well as the various State and Federal government agencies is also encouraged as a valuable resource.

Finally, improved communication with JCU staff regarding the opportunities available to engage with Australian Aboriginal and Torres Strait Islander businesses is an important step in successfully achieving the objective of improving access to the JCU supply chain for Australian Aboriginal and Torres Strait Islander enterprises.

Actions and deliverables in relation to Social Procurement are included in the [plan](https://www.jcu.edu.au/__data/assets/pdf_file/0014/1113206/APPROVED-James-Cook-University-Innovate-Formally-Endorsed-From-RA-Website.pdf).

## Sustainability Action Plan

Sustainability is a foundational value and tenet of JCU’s governance arrangements, evidenced at the highest level in the University’s policy and planning architecture including the Statement of Strategic Intent, the University Plan, the Academic Plan and JCU’s Code of Conduct.

In 2016, JCU became the first Australian [university signatory](http://ap-unsdsn.org/regional-initiatives/universities-sdgs/university-commitment/) to the [United Nations Sustainable Development Goals](https://www.un.org/development/desa/disabilities/envision2030.html) (SDGs). Through this commitment, JCU has agreed to:

* support and promote the principles of the Sustainable Development Goals
* undertake research that provides solutions to sustainable development challenges
* provide the educational opportunity for our students to acquire the knowledge and skills needed to promote sustainable development
* contribute to the achievement of the Sustainable Development Goals by ensuring our campuses and major programs are environmentally sustainable and socially inclusive, and
* report on our activities in support of the Sustainable Development Goals

JCU’s Sustainability Action Plan is being developed to strategically guide the University’s implementation of its sustainability commitments, including to the SDGs, through identifying achievable actions, responsibilities, and resourcing and reporting accountabilities.

The plan, currently being drafted, is structured using the four Priority Areas of the [Learning in Future Environments (LiFE) Index](https://www.jcu.edu.au/tropeco-sustainability-in-action/sustainable-campuses/life-index), a comprehensive assessment tool that JCU has used since 2013 to benchmark, record and report the institution’s sustainability performance.

Procurement and supplier engagement are actioned under the ‘Partnerships & Engagement’ Priority Area of the plan which *is focused on building meaningful and productive relationships and engaging with peers to facilitate sustainable outcomes and encourage innovation.* This section of the plan cross-references the need to develop and implement a JCU Social Procurement Framework as well as a proposal to transition JCU to a single-use (non-essential items) plastic free University.

## Ethical Supplier Mandate and Threshold

## The Queensland [Ethical Supplier Mandate and Threshold](https://www.hpw.qld.gov.au/Procurement/ProcurementStrategy/Policy/Pages/EthicalSupplierMandateThreshold.aspx) will benefit suppliers as well as workers and the broader Queensland community by:

## ensuring suppliers are treated fairly and not exposed to undercutting and unjust competition;

## making Queensland workplaces fairer and safer; and

## ensuring that Queensland taxpayers' money is used to build the local economy and support quality Queensland jobs.

## The Mandate will ensure that businesses supplying to JCU uphold their social, economic and environmental commitments made in tenders and contracts, or required by policies or laws. The Mandate will hold non-compliant, unethical suppliers to account.

The Mandate will only impact suppliers that repeatedly breach contractual obligations, policies or laws, unless their conduct is due to an honest mistake, oversight, or accident.

Demerits will be issued by the Queensland Government to suppliers on a sliding scale for minor, moderate and major compliance issues.

A supplier may be sanctioned if it breaches the Ethical Supplier Threshold or reaches 20 demerits within a 12-month period. Sanctions affect access to future contracts, not current contracts, however, where a supplier is sanctioned and has an existing contract with JCU, extension options under that contract will not be exercised.

Suppliers suspected of unethical behaviour will be offered procedural fairness through the opportunity to respond to all allegations and actions, at multiple stages in the process. An appeals process will also be available to suppliers, where they feel unjustly sanctioned.

## Related Policy Instruments

[Australian Aboriginal and Torres Strait Islander Workforce Strategy 2015-2020](https://www.jcu.edu.au/__data/assets/pdf_file/0019/122176/jcu_148154.pdf)

[Financial Management Practices Manual (FMPM)](https://www.jcu.edu.au/policy/financial-management)

[FMPM Appendix A - Financial Delegations Policy](https://www.jcu.edu.au/policy/procedures/university-delegations/financial-delegations/fmpm-appendix-a-financial-delegations-policy)

[Financial Delegations Register](https://www.jcu.edu.au/policy/procedures/university-delegations/financial-delegations/JCU-Financial-Delegation-Register.pdf)

[FMPM 710 Procurement Policy](https://www.jcu.edu.au/policy/financial-management/expenses-fmpm-700-fmpm799/fmpm-710-procurement-policy)

[FMPM 711 Procurement Procedure](https://www.jcu.edu.au/policy/procedures/finance-procedures/expense-procedures-fmpm-700-799/fmpm711-procurement-procedure)

[FMPM 712 Engaging Individuals as Services Providers Procedure](https://www.jcu.edu.au/policy/procedures/finance-procedures/expense-procedures-fmpm-700-799/fmpm-712-engaging-individuals-as-service-providers-procedure)

[FMPM Appendix A - Financial Delegations Policy](https://www.jcu.edu.au/policy/procedures/university-delegations/financial-delegations/fmpm-appendix-a-financial-delegations-policy)

[JCU Code of Conduct](https://www.jcu.edu.au/policy/corporate-governance/code-of-conduct)

[JCU Corporate Procurement Plan](https://www.jcu.edu.au/financial-and-business-services-internal/strategic-procure-to-pay/strategic-procurement/policy%2C-procedures-and-guides/jcu_144943.pdf)

[JCU Enterprise Agreement 2016](https://www.jcu.edu.au/policy/hr-staff-development/enterprise-agreement-2013-2016)

[JCU Statement on Integrity](https://www.jcu.edu.au/policy/corporate-governance/statement-on-integrity)

[Reconciliation Action Plan](https://www.jcu.edu.au/__data/assets/pdf_file/0014/1113206/APPROVED-James-Cook-University-Innovate-Formally-Endorsed-From-RA-Website.pdf)

## Legislation and Government Instruments

[Australian Industry Participation (Cwlth)](https://www.industry.gov.au/regulations-and-standards/australian-industry-participation)

[Competition and Consumer Act 2010 (Cwlth)](https://www.legislation.gov.au/)

[Crime and Corruption Act 2001 (Qld)](https://www.legislation.qld.gov.au/browse/inforce)

[Disability Services Act 2006 (Qld)](file://shares.ad.jcu.edu.au/CORP/FABS_Procurement/7.%20Social%20Procurement%20Framework/Policy%20%26%20Procedures/Disability%20Services%20Act%202006)

[Disability Discrimination Act 1992](https://www.legislation.gov.au/Details/C2018C00125)

[Ethical Supplier Mandate and Ethical Supplier Threshold](https://www.hpw.qld.gov.au/Procurement/ProcurementStrategy/Policy/Pages/EthicalSupplierMandateThreshold.aspx)

[Financial Accountability Act 2009 (Qld)](https://www.legislation.qld.gov.au/browse/inforce)

[Financial and Performance Management Standard 2009 (Qld)](https://www.legislation.qld.gov.au/browse/inforce)

[Integrity Act 2017 (Qld)](https://www.legislation.qld.gov.au/browse/inforce)

[James Cook University Act 1997 (Qld)](https://www.legislation.qld.gov.au/browse/inforce)

[Modern Slavery Act 2018 (Cwlth)](https://www.legislation.gov.au/Details/C2018A00153)

[Public Sector Ethics Act 1994 (Qld)](https://www.legislation.qld.gov.au/browse/inforce)

[Queensland Charter for Local Content](http://www.statedevelopment.qld.gov.au/resources/charter-for-local-content.html)

[Queensland Indigenous Procurement Policy](https://www.datsip.qld.gov.au/publications-governance-resources/policy-governance/queensland-indigenous-procurement-policy)

[Queensland Government Procurement Guidance](https://www.forgov.qld.gov.au/procurement-guides)

[Queensland Procurement Policy](https://www.forgov.qld.gov.au/procurement-policy)

[Right to Information Act 2009 (Qld)](https://www.legislation.qld.gov.au/browse/inforce)

[Social Procurement Guide (Qld)](https://www.hpw.qld.gov.au/SiteCollectionDocuments/SocialProcurementGuide.pdf)

[Sustainable Development Goals](https://sdgs.org.au/goals/)

[Workplace Gender Equality Act 2012](https://www.legislation.gov.au/Details/C2012C00899)

[Work Health & Safety Act 2011 (Qld)](https://www.legislation.qld.gov.au/browse/inforce)

## Administration

NOTE: Printed copies of this guideline are uncontrolled, and currency can only be assured at the time of printing.

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