Australian Government
Department of Finance

User Guide – People Panel

Recruitment and Search Services (SON3897769)

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Introduction

1. About the panel

The People Panel – Recruitment and Search Services Panel (SON3897769) (the Panel) is a subset of the broader People Panel. The People Panel will be comprised of a series of panels which are being established to improve the quality, consistency and efficiency of the procurement of recruitment and search services, labour hire services and contractor services by Commonwealth entities (Entities). Each Panel under the People Panel will have its own standing offer notice (SON), head agreement and user guide.

2. Purpose of this user guide

This user guide provides information to entities on how to access and use the Panel.

This user guide must be read in conjunction with the relevant Commonwealth frameworks and policies, as outlined in the head agreement. In the event of any inconsistency between the user guide and the head agreement or the deed of participation, the terms of the head agreement will prevail. Clause 1 of the head agreement contains definitions and interpretations of terms used in this user guide.

Entities may have additional internal procedures/operational guidelines that will need to be considered when undertaking a procurement. Officials are encouraged to consult internally within their entity on any additional requirements.

3. Eligibility to use the panel

As a coordinated procurement, use of the Panel is:

- **Mandatory** for non-corporate Commonwealth entities (NCEs) that are subject to the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).
- **Optional** for corporate Commonwealth entities (CCEs) and Commonwealth companies (CCs), including Government Business Enterprises (GBEs), authorised by the Department of Finance (Finance) to use the Panel through a Deed of Participation.

The PGPA Act Flipchart and List available on the Finance website identifies NCEs, CCEs and CCs.



4. Establishment of the panel

The Panel has been established as a coordinated procurement, also referred to as a Whole of Australian Government (WoAG) arrangement.

The Panel replaces all:

- recruitment and search services related panels
- recruitment and search services related categories on existing panels and
- non-panel approaches to procuring recruitment and search services.

5. Benefits of the panel

The Panel provides a range of benefits, including:

- improved quality, consistency and efficiency of purchasing recruitment and search services with standard terms and conditions and a performance management framework
- cost savings and efficiencies for service providers by reducing administration and tendering efforts
- reduction in the time and effort for entities and for service providers to establish contracts
- replacing multiple panel arrangements across Government with a single panel arrangement
- providing standardised rate structures for entities, noting that service providers' rates vary significantly across other panels for the same types of services.

Finance will administer the Panel for the benefit of participating entities, including:

- managing the head agreements between service providers and Finance, on behalf of the Commonwealth
- monitoring the Panel to implement efficiencies for the Commonwealth
- hosting and maintaining the People Panel webpages on the Finance website which provides guidance and tools to assist entities using the Panel
- overseeing a performance management framework for service providers and addressing performance issues
- providing internal reporting and strategic advice to support WoAG decision making, planning and delivery across the Commonwealth
- reviewing and refreshing the Panel
- monitoring the flexibility framework.

6. Term of the panel

The Panel commenced on 18 October 2022 with an initial expiry date of 30 September 2026. Finance has exercised a 2-year extension option to 30 September 2028.

Finance may, at its sole discretion, extend the Panel for a further period (or periods) of up to two years in total, which may be taken in whole or in part, and in any number or combination of time periods.

Finance will determine the process for refreshing the Panel during the Panel term. This may include adding or removing service categories or service providers to the Panel in one or



more service categories.

7. How to opt-in to use the panel

NCEs are able to manage Panel access for their staff through AusTender's Dynamic Sourcing for Panels (DS4P).

Other entities such as CCEs, CCs and GBEs who wish to access the Panel and gain procurement efficiencies when sourcing recruitment and search services must first notify the People Panel Contract Management team via email: PeoplePanelContract@finance.gov.au. The Engagement team will review your request to participate and provide you with further details including a deed of participation which establishes the conditions of participation for CCEs, CCs and GBEs. The deed of participation standardises the use of the Panel which is essential to maintain the integrity of the Panel and consistency for service providers.

Access will be granted once a duly approved and executed deed of participation is provided to Finance.

8. Panel scope of services

The Panel provides services for:

- the recruitment of APS personnel required by a Commonwealth entity for ongoing or non-ongoing positions
- search activities relating to board positions.

The service categories for the panel include:

- general recruitment (APS1 – EL2 and equivalent)
- executive recruitment (SES Band 1 to Band 3 and equivalent and statutory appointments)
- expert/specialised role recruitment (personnel who are experts with extensive knowledge, experience, and advanced education in their field and are not generally available in the Australian Public Service)
- candidate sourcing services (identifying and sourcing highly skilled candidates to fill advertised vacancies at any level)
- board search services (undertaking searches to fill vacancies for potential board positions).

The scope of services table sets out the services in detail (including service categories within the services) and is available on the People Panel Website under related resources.

9. Services not in scope of the panel

The services available under the Panel do not include:

- services available under other Whole-of-Australian Government arrangements such as consultancy services, legal services and property services
- independent contractors providing information and communications technology services, or other specialist services

- global search services
- labour hire services
- delivery of training and
- the engagement of an eminent person, a prominent individual appointed by an entity to provide particular services.

10. Service category descriptions

Refer to schedule 2 of the head agreement for further detail on the services included under each service category.

General and executive recruitment - service categories 1A and 1B

General and executive recruitment provide end-to-end recruitment as a bundled service. Bundled services include:

- screening and shortlisting
- interview and verification
- selection reporting
- notify and debrief

Entities may include further services as an unbundled service. Unbundled services include:

- formulating position requirements
- preparation for advertising
- additional recruitment activities, as defined in a contract.

Effective from 1 July 2025, fees for bundled services will be based on the number of applications received for the relevant recruitment process.

For APS1 – SES Band 2, applications are banded into brackets of 40 applications (1-40; 41-80, etc.) up to a maximum of 400 applications, after which fees will be per additional application received.

For SES Band 3, applications are banded into brackets of 10, up to a maximum of 100. Applications for 101 and beyond will be charged per additional application received.

An application is defined as:

An application is a submission completed by the individual (candidate) for an advertised merit-based recruitment activity through the APS Jobs platform and/or a department's centralised online platform. The submission is not completed by the contracted service provider (recruitment agency).

To assist in estimating likely contract values, Finance recommends proactive market research to determine market conditions and potential applicant numbers.

Unbundled service fees are based on the hourly rate of the service provider personnel.

Contracts executed prior to 1 July 2025 will remain on vacancy-based pricing. Extensions to contracts prior to 1 July 2025 will remain on vacancy-based pricing.



Assessment testing

Assessment testing can be used in conjunction with general, executive or expert/specialised recruitment and comprises of three types of assessment:

- psychometric testing
- cognitive testing
- behavioural testing.

Fees are structured on a per candidate basis.

Scribing or search services for general or executive recruitment can be added to an Order via additional recruitment activities.

Expert/specialised roles - service category 2

Expert/specialised role recruitment provides end-to-end recruitment and search services. Services include:

- maintaining a candidate pool
- screening and shortlisting
- interview and verification
- selection reporting
- notify and debrief.

Entities may include further services in an Order as additional activities. These services include:

- formulating position requirements
- preparation for advertising
- any additional activities, as specified in a contract.

This service category is intended to support the recruitment of:

- personnel required to fill a role that the Entity considers specialised due to the expert nature of the role
- personnel who are experts with extensive knowledge, experience, and advanced education in their field
- personnel not generally available in the Australian Public Service.

Fees for end-to-end services are on a per vacancy basis. Additional activity fees are on the basis of the hourly rate for service provider personnel.

Candidate sourcing services - service category 3

Candidate sourcing services involve a service provider, under contract, identifying and sourcing candidates to supplement an existing, advertised vacancy.

It is essential to note that a service provider providing recruitment services for the role under general, executive, or expert/specialised service categories cannot be used for candidate sourcing services due



to potential conflicts of interest. It is recommended that procuring entities consider the need for candidate sourcing at the time of evaluating the recruitment services and running the separate process for candidate sourcing concurrently. This approach allows service providers to provide their responses and ensures that the delegate can access the best outcome for the process.

Fees are based on a milestone structure on a per candidate basis. For engagements of 6 months or more, 80% of the fee is payable initially, with the remaining 20% of the fee payable when the candidate completes 6 months of service for the entity. For engagements of less than 6 months, the final 20% milestone is payable when the candidate concludes their engagement.

If a candidate represented by a service provider is successful in the recruitment process, the fee is payable to the service provider. If the represented candidate is not successful in the recruitment process, the fee is not payable.

Candidate sourcing services are not suitable for entities seeking candidates without an advertised recruitment process. Refer to **People Panel labour hire services** arrangement for alternative methods of engagement, such as introduction services (section 26 transfers for existing APS employees) or placement services (non-ongoing positions of APS employment).

Board search services - service category 4

Board search services provide end-to-end search services for board chair and board member positions.

Services included in a board search process include:

- initial candidate search
- candidate screening
- provision of search report
- consultation
- on off viability check

Board search service fees are structured on a fee per vacancy model.

Entities may include further services as additional board activities. Additional board activities fees are based on the hourly rate of the service provider's personnel.

11. Flexibility framework

The Flexibility Framework provides entities with a minimum allowance of $50,000, or up to five per cent of their total expenditure per financial year, whichever is greater, to purchase in scope recruitment and search services from service providers not on the Panel. An additional five per cent allowance is available for entities to engage First Nations businesses.

The objective of these allowances is to provide entities with additional flexibility to meet their specific business needs, and to provide opportunities for new market entrants, specialist, niche businesses, and other small and medium enterprises (SMEs) to provide services to the Government without being on the Panel. The allowances also allow for entities to undertake

procurements that support the Commonwealth Indigenous Procurement Policy by engaging First Nations Service Providers that may not be on the panel, helping to build capability and increase participation of First Nation businesses in Australian Government procurement.

The Flexibility Framework applies to all NCEs who are mandated to use the WoAG arrangement. Other Commonwealth entities, such as CCEs, CCs and GBEs who opt in to use the panel are not required to comply with the Flexibility Framework.

Entities are responsible for tracking their annual expenditure on off-panel recruitment procurements to stay within the allowances. Entities can base their calculation of off-panel expenditure on actual average annual expenditure over the previous three-year period, minus any off-panel expenditure over the same period.

Finance may seek confirmation of compliance at the end of each financial year. In assessing compliance with the five per cent off-panel allowances, Finance will consider data sources such as AusTender reporting, annual reports and panel operational reporting provided to Finance from service providers.

Entities must manage their own off-panel procurements, and comply with the Commonwealth Procurement Rules (CPRs).



Purchase services from the panel

12. Accessing panel rates

Identifiable rates are available to entities' Central Procurement Teams via Finance's secure GovTeams community, where a requirement for the information can be clearly demonstrated. To gain access to the private pricing channel, please contact the People Panel Contract Management Team on (02) 6215 3080 or email PeoplePanelContract@finance.gov.au.

13. Requirement to issue RFQs to Australian SMEs

When procuring from the Panel:

- For procurements with an estimated valued under $125,000 (including GST), only SMEs may be approached unless paragraph 5.5 of the CPRs is used.
- For procurements with an estimated value of $125,000 (including GST) and above, it is Government policy that at least one SME must be included in the request for quotation (RFQ). If there is no SME available under the relevant service sub-category or an SME has advised it does not have capacity and capability to deliver the required services, an entity should clearly explain and document this as part of its procurement process.

Entities are encouraged to support procurement officials in undertaking market research of Australian SME businesses.



The objective of this requirement is to provide more opportunity for SMEs to compete for Australian Government contracts and participate in procurement. This participation will help build capability and maximise opportunities for Australian and SME businesses.

The People Panel webpage contains a service provider search tool which enables entities to filter their search by SME or First Nations providers. Entities can also search the Supplier Portal to identify suitable suppliers to approach.

It is the responsibility of entities to ensure they meet these requirements by identifying and including SMEs in the procurement activities they undertake. Finance will undertake compliance checks to ensure entities are meeting these requirements.

14. Issuing a request for quote (RFQ)

The Panel and RFx functionality is available through Dynamic Sourcing for Panels (DS4P), in line with the DS4P mandate. Entities should submit all RFQs for the Panel through DS4P, which provides a simple, streamlined and consistent approach to using the Panel. Where an entity is unable to access DS4P, that entity should contact the People Panel Contract Management Team or the AusTender Help Desk (tenders@finance.gov.au).

In accordance with Clause 9.14 of the CPRs to maximise competition, entities should, where possible, approach multiple service providers listed in the relevant service category to submit a quote. The number of quotes sought should be commensurate with the scale and scope of the business requirement (refer 4.4e of the CPRs).

The website and DS4P include a search tool to enable entities to identify potential service providers by service category prior to approaching them for an RFQ.

Entities should consult with their internal procurement advisors as there may be entity specific requirements in determining an approach to market or access to DS4P. It is important to document the reasons underpinning the approach to market, including the number of quotes requested and how value for money will be determined. Competition is a key element of the Commonwealth Procurement Framework.

It is strongly encouraged that entities download the RFQ Form available on DS4P and complete it offline. Once complete, the form should be uploaded into the DS4P RFx functionality and published to the relevant service providers. Further information on completing the RFx process in DS4P is available on the People Panel website or on AusTender.

Entities can approach service providers to negotiate rates that are more competitive or represent better value for money in terms of innovative pricing structures. When doing so entities should treat all service providers approached to submit a quote equitably.

When seeking quotations from service providers, an Entity should have regard to the reasonable time frames required to prepare and submit a quotation.

15. Issuing an order for services

The order for services form, available through DS4P, should be used for procurements through the Panel to ensure the terms and conditions of the overarching arrangement apply



to the individual procurements. The form provides a consistent structure to orders under the Panel and delivers efficiencies for service providers in their engagement with entities.

It is strongly recommended, that only forms developed for the Panel and made available on DS4P are used.

When an entity issues an order, a separate contract will be formed between the service provider and the entity at the rates provided in the head agreement, unless a lower rate has been negotiated, or alternative pricing (e.g. fixed pricing) has been quoted and is stated in the order for services. Panel rates are available on Finance's secure GovTeams community .

Entities must ensure they only engage service providers approved to deliver services under the service category the entity is seeking. If a service provider accepts an order for services for a service category for which it is not listed under the Panel, it will constitute a breach of the head agreement by the service provider and must be reported to Finance.

Please consult with your entity's internal procurement advisers prior to issuing final documents to ensure you are acting in accordance with your entity's internal processes and that any approvals required have been obtained.

The service provider must not subcontract any aspect of the ordered services without the prior written approval of the relevant entity (such approval may be subject to conditions). Subcontractors specified in an order are considered to have been approved by the entity for the purposes of the relevant contract.

16. Use of Artificial Intelligence (AI) by suppliers

The RFQ and Order forms include clauses covering the use of AI by Service Providers, ensuring entities identify if AI systems can be used in the delivery of services. When undertaking a procurement, entities should consider that excluding AI could increase the delivery time and project costs. If AI can be used, the supplier must provide information in its response about its proposed use of AI systems in the delivery of the services.

17. Value for money

Finance has conducted a value for money assessment of each service provider prior to their inclusion on the Panel, including:

- the extent to which the service provider demonstrated its capacity and capability to provide the offered services
- the extent to which the service provider demonstrated its relevant experience
- a comparative analysis of fees against other tenderers
- an assessment of risk
- the level of compliance with Commonwealth legislation and policy and
- the benefit the service provider provides to the Australian economy.

When requesting quotes, entities may negotiate lower fees or request alternative pricing arrangements (e.g. fixed price) with service providers, particularly for larger bodies of work. A service provider may not charge more than the Panel rate for the personnel classifications. . If a service provider proposes a higher rate, the entity should reject the rate



and notify Finance via email: PeoplePanelContract@finance.gov.au or phone: (02) 6215 3080.

Entities should be aware that some service providers offer order value discounts under the head agreement for larger bodies of work.

When requesting and assessing quotes, entities are still required to achieve value for money.

Setting up milestone payments or linking milestones to a payment schedule can be a practical way to actively manage a contract and achieve value for money. Milestones help to monitor time-dependent deliverables, and control payments associated with those deliverables. Milestones facilitate timely communication with service providers and can help to manage the contract effectively.

A payment schedule setting out each expected stage of delivery can be included under the 'Fees' item of the RFQ or order for services.

It is important that contracts are managed consistently and actively throughout their life in accordance with their terms. This will ensure that service provider performance is satisfactory, stakeholders are well informed, and all contract requirements are met thereby ensuring that the contract delivers the anticipated value for money.

Where a service provider sets out any charges that are additional to the fees, the entity must assess whether there is a reasonable basis for any such charges when evaluating the quotation and provide an explanation for the extra expenses under the fees item of RFQ or order for services. Any additional requirements must be progressed in accordance with section 19 (*entity additional requirements*) below.

18. Procuring across multiple service categories

Entities may procure work across multiple service categories with a single service provider. However, in such circumstances the entity must ensure the service provider is listed against **all** the relevant service categories required by the entity.

If a service provider responds to an RFQ or order for a service category for which it is not listed under the Panel, it will constitute a breach of the head agreement for that service provider. This breach should be reported to Finance at PeoplePanelContract@finance.gov.au.

When undertaking an RFQ or order for services that crosses multiple service categories, entities should select the service category that captures the majority of work that is to be undertaken by the service provider.

19. AusTender reporting

All NCEs and prescribed CCEs must comply with the Resource Management Guide 423 Procurement Publishing and Reporting Obligations (RMG 423) which sets out the publishing and reporting obligations under the Commonwealth Procurement Framework and other



government policies.

Entities are required to report, on AusTender, all contracts entered into under the Panel that are valued at or above the relevant reporting threshold in the CPRs within 42 days of entering the contract.

The contract details on AusTender must reflect the procurement method used to establish the standing offer and reference the relevant SON ID. When reporting an order under the Panel on AusTender, remember to:

- Link your order to SON3897769 so that your contract is correctly reported as part of the WoAG People Panel arrangement.
- Use the UNSPS code for personnel recruitment (80111700).
- Select the procurement method as “open tender”, regardless of the number of service providers you approached (as the Panel was formulated through an open approach to market).

20. Head agreement provisions

The head agreement is a standing offer between Finance and each service provider setting out the manner in which the services can be procured from the service provider under the Panel, and in schedules 2-3:

- the service categories that the service provider has been approved to provide and
- the pricing for each approved service category.

A single head agreement has been developed to apply to all service providers. The only differences between agreements with service providers are:

- the contact details and address for notices
- the service categories they have been approved to provide and
- the service provider’s pricing.

The order for services form should be used as it ensures consistent application of the terms and conditions of the head agreement to individual procurements.

If the order for services form is not used, there is a higher risk of service provider breaching the head agreement which must be reported to Finance at PeoplePanelContract@finance.gov.au and can lead to the suspension of the service provider.

Legal advice should be obtained prior to making any changes in an order for service which may affect or contradict the provisions contained in the head agreement.

21. Entity additional requirements

The order for services form is designed so that, if necessary, entities may add additional

requirements[1] relating to confidential information, security, conditions/restrictions for personal information, insurance, entity service levels or software platforms used for interacting with the entity as allowed under the head agreement.

Any additional requirements cannot weaken the existing obligations of the service provider under the head agreement.

The "additional requirements" section in the order for services form allows the liability clause in the head agreement to be varied to a higher, contract-specific liability cap.

22. Insurance requirements

Under the head agreement the service provider has undertaken, prior to the commencement of an order and for the duration of an order, to hold:

- public liability insurance for an amount of not less than AU$10 million per occurrence, unless specified otherwise in an order. An order may also specify an aggregate limit on public liability insurance
- professional indemnity insurance for an amount not less than AU$2 million per occurrence and AU$10 million in aggregate, unless specified otherwise in an Order
- workers' compensation insurance as required by law.

Finance will periodically monitor insurance compliance as part of contract management activities, however entities may request additional insurance requirements if necessary. The RFQ and Order for services forms allow for additional requirements to be added. The Service Provider may also include the cost of obtaining any insurance, additional to the amounts stipulated in the head agreement, in their response to a request for quotation.

Invoicing and acquittal

23. Coordinated procurement fee

The Panel is funded through a coordinated procurement fee (Panel Fee). The Panel Fee covers Finance's costs of procuring and administering the Panel, reviewing its effectiveness and refreshing the Panel as required.

Cost centre and entity contact information will be collected through the order to facilitate the collection of the Panel Fee. Entities are requested to supply service providers with cost centre codes, via the Order for Services form, to ensure that Panel Fee invoices can be accompanied with supporting reconciliation information.

Effective for Contracts executed after 1 August 2024, the Panel Fee will be 1.5 per cent of the GST exclusive contract commitment. The fee will be recovered from entities in arrears on a quarterly basis.

1 Additional Requirements is a term defined in clause 1.1 of the Head Agreement

Performance management framework

24. Service levels

The service levels and minimum expected performance requirements are outlined in Table 1 of schedule 7 of the head agreement and will apply from the commencement date. Only service level 3 (SL3), 4 (SL4) and 5 (SL5) are relevant to entities' performance reporting requirements.

SL3 falls under the head agreement service levels and relates to a service provider's service delivery. Finance will determine the level of compliance with this service level by analysing entity reports.

SL4 falls under the contract service levels and relates to a service provider's responsiveness to requests. An entity will determine the level of compliance with this service level by analysing the service provider's responsiveness to requests against contractual timeframes for response in the head agreement and any contract.

SL5 falls under the contract service levels and relates to governance arrangements for the contract such as management meetings and participation in contract management activities. An entity will determine the level of compliance with this service level by analysing the service provider's attendance at, and participating in, required governance meetings.

Finance will use the entity satisfaction survey as a means to collect information on the service provider's compliance with these service levels.

25. Performance measures

Service Providers must maintain a high standard of quality and delivery of services by its personnel and subcontractors, including compliance with all requirements of the head agreement and any additional requirements in an order for service. Under the head agreement the service providers acknowledge that:

- Their performance will be measured against the performance measures in clause 2.2, 2.3, and 2.4 of schedule 7 of the head agreement.
- Entities can provide reporting to Finance on the service provider's performance via the entity satisfaction survey.

Quality

The following quality performance measures apply to the head agreement:

- capability and availability of personnel
- documentation provided to high standard
- Services provided met the entity needs and requirements of the order.

Communication

The following communication performance measures apply to the head agreement:

- proactive and effective communication with the entity
- responsiveness
- Entity reference numbers included in all correspondence.

Contract Performance

The following contract performance measures apply to the head agreement:

- understanding of the entity's needs
- effective management of timelines
- effective budget management
- service provision managed diligently
- reasonable assistance provided in respect of any inquiry concerning the service provider's performance of ordered services.

26. Responsibilities of the service provider

The service provider will endeavour to meet or exceed the performance measures and service levels during the head agreement Period and will make all relevant personnel and subcontractors aware of the performance measures.

The service provider has agreed to meet the reporting requirements as set out in schedule 4 of the head agreement.

27. Responsibilities of the entity

All entities using the Panel have a responsibility to:

- engage with and ensure their own understanding of the head agreement
- identify and manage any perceived or actual conflicts of interest
- ensure understanding of the performance measures provided
- keep service provider information confidential (such as pricing, information listed in schedule 8 of

their head agreement and/or described in an order).
- not contribute to a perceived service provider performance failure
- take steps and work with the service provider to rectify an issue before reporting unsatisfactory performance to Finance
- report any unresolved performance issues to Finance via the Commonwealth Entity Satisfaction Survey
- report any suspected breaches by the service provider to Finance at PeoplePanelContract@finance.gov.au.

28. Process for determining a service level failure

If there is an occasion where the performance of a service provider is not satisfactory and the parties are unable to resolve the issue, it may constitute a service level failure[2] and must be reported to Finance using the entity satisfaction survey or via email.

Once a potential service level failure has been reported, Finance will work with the service provider on the issues.

29. Service provider suspension

Finance reserves the right to, at any time during the head agreement period, review the operation of the Panel and suspend or remove a service provider from the Panel for noncompliance with the head agreement.[3]

If a service provider is suspended due to a service level failure they will no longer be available for selection via DS4P or the People Panel website. Entities must not issue an RFQ or an order for service to a service provider that has been suspended (until that suspension is lifted) or removed from the Panel – doing so would be a breach of the CPRs.

Compliance with procurement policies and legislation

30. Security

Service providers agree to comply with any applicable security requirements specified in the Protective Security Policy Framework (including those provisions relevant to Commonwealth contracted Service Providers), as required by an Entity in an Order for Service.

Entities can specify additional security requirements in an order for service, for example, that personnel working on the matter must have or obtain a national security clearance.[4]

[2] Service Level Failure is a term defined in the Head Agreement – see Schedule 7 of the Head Agreement
[3] As described in clause 26 of the Head Agreement
[4] Clause 23 of the Head Agreement outlines security requirements that a Service Provider must meet.

31. Confidential Information not to be disclosed

Entities and service providers party to an order for service under the head agreement must not, without the prior written consent of the other party, disclose any confidential information of the other party to a third party.[5] Entities must ensure that all confidential information is used or disclosed in accordance with the confidentiality provisions in clause 22 of the head agreement.

Entities should be aware of their responsibility to maintain confidentiality when working with secondees from a service provider or other contractors/consultants.

32. Indigenous procurement policy

The mandatory set aside component of the Indigenous Procurement Policy (IPP) generally does not apply to WoAG arrangements. However, entities are encouraged to apply the principles of the IPP by procuring from First Nations businesses. Contracts with First Nation businesses from the People Panel also count towards entities' portfolio targets for contracts awarded under the IPP.

Where RFQs or Orders for Services are valued at $7.5 million or more (GST inclusive), are delivered wholly in Australia and fall within specific industry sectors, the mandatory Minimum Mandatory Requirements of the Indigenous Procurement Policy IPP may apply (refer to the checklist at Table 1 of the Indigenous Procurement Policy (IPP). For procurements over this threshold, entities must request an Indigenous Procurement Plan when seeking quotations.

Entities can use the search tool on the People Panel website to identify First Nations businesses on the Panel. These service providers will also be flagged in the service provider matrix, also available via the People Panel website.

The Flexibility Framework allows entities to purchase up to five per cent of their total recruitment expenditure per financial year on recruitment services from service providers, such as First Nations people, who are not approved on the People Panel. An additional five per cent allowance is provided for directly engaging First Nations businesses.

When an entity procures through the Flexibility Framework, the procurement is no longer through a WoAG arrangement, and the requirements of the IPP applies.

33. Australian industry participation framework

For Orders with a value of $20 million or more, the Australian Industry Participation National Framework may apply. Information is available on the Australian Industry Participation website; you can contact the relevant area on 02 6213 6404 or email aip@industry.gov.au to discuss these requirements.

[5] Clause 22 of the Head Agreement outlines requirements around Confidential Information. Confidential Information is a term defined in s.1.1 of the Head Agreement.

34. Shadow economy policy

The Shadow Economy Policy applies to all procurements with a value over $4 million including GST under this Panel.

All Service Providers have supplied a Statement of Tax Record (STR) as part of the requirements in their tender response. Service Providers are required to hold a valid and satisfactory STR at all times during the Head Agreement period and provide a copy on request to Finance or an entity.

Entities are required to obtain and retain a current STR for each Order where the Shadow Economy Policy applies.

35. Supplier code of conduct

On 1 July 2024, the Commonwealth Supplier Code of Conduct (Code) came into effect.

The Code outlines the Commonwealth's minimum expectations of Service Providers and subcontractors while under contract with the Commonwealth. Service Providers must conduct themselves with high standards of ethics and act with integrity and accountability.

The Code is mandated through the CPRs which states that relevant entities must incorporate the Code into all Commonwealth forms of contract entered into from 1 July 2024. An Accountable Authority may determine that a contract should not include the Code, in part or in full, but must document the basis for this decision.

To enable enforcement of the Code, provisions in request documentation and standard clauses for Commonwealth contracts have been developed and are available in the Commonwealth Contracting Suite and within ClauseBank

Further information and guidance on the Code can be found here.

36. National Anti-Corruption Commission requirements

The National Anti-Corruption Commission (NACC) commenced operations from 1 July 2023. The NACC is an independent Australian Government entity that detects, investigates and reports on serious or systemic corrupt conduct in the Australian Government public sector.

Service Providers are required to comply with the National Anti-Corruption Commission Act 2022 (Cth) (NACC Act) under the terms of the NACC Act and the People Head Agreement.

37. Country of tax residency disclosure

For all procurements valued at $200,000 or more, Service Providers must declare their country of tax residency (including their ultimate parent entity's country of tax residence), as part of the general business identifier information required by government policy.

Tax residence is a principle that is determined under the domestic tax rules of a country. It is relevant when considering how business income is taxed.

To assist entities to comply with the country of tax residency requirement as part of their procurements, Finance maintains Service Providers' country of tax residency information centrally for the People Panel. This document can be found under 'Panel Documents' in DS4P.

For further information on tax residency, visit the Australian Taxation Office.

38. Other relevant legislation, policies and guidance

Each entity should work with their internal procurement advisers to obtain advice on compliance with other relevant legislation, policies and guidance that may apply to their specific procurement.

39. Useful links

Commonwealth Procurement Rules

AusTender

DS4P

People Panel Website

Contact us

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