



Express law

fast track information for clients

19 OCTOBER 2018

The Government Procurement (Judicial Review) Act 2018 (Cth)

The Government Procurement (Judicial Review) Bill 2018 (Cth) was passed by the Parliament yesterday and received Royal Assent today. It is expected to commence operation in 6 months.

The Act will enable suppliers to seek an injunction or compensation for a contravention of 'relevant Commonwealth Procurement Rules (CPRs)' by a Commonwealth entity or official. The relevant CPRs will be the provisions in Division 2 as well as provisions in Division 1 of the CPRs which are declared to be relevant for the purposes of the Act. A number of Division 1 paragraphs are proposed to be declared.

The Act will only apply in relation to procurements where both Divisions 1 and 2 of the CPRs apply (unless it is in a class of procurements that has been exempted in a determination made by the Finance Minister under the Act). It will generally therefore apply where the estimated value of the procurement is at or above the relevant procurement threshold (as set out in the CPRs) and where it is not covered by the list of exemptions in Appendix A of the CPRs.

Further detail is contained in our earlier Express law about the Bill, available at:

<https://www.ags.gov.au/publications/express-law/el257.pdf>

The Department of Finance has indicated they will provide further guidance to entities prior to commencement.

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