

Module	DEFENCE
Jurisdictions	CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT

Module Scope

Does your organisation supply or wish to supply goods or services to Defence?

Does your organisation understand the lifecycle of the Defence procurement process?

Does your organisation understand the obligations associated with Defence procurement?

Module Application

The *DEFENCE* module provides a systematic approach for organisations wishing to engage in Defence procurement and supply goods and services to Defence. Defence procurement is very structured and is conducted according to specific policies and processes. The module outlines the procurement lifecycle from initial considerations to post-procurement processes and describes the application of relevant policies and guidance for contracting organisations.

Key topics covered in detail by the module include:

- › how to conduct pre-procurement planning to understand the flow of Defence procurement
- › understanding the market process
- › being familiar with how Defence procurement contracts are formed
- › understanding how to maintain the Defence procurement contract
- › being aware of both federal and state-based legislation and practices when engaging in construction services for Defence procurement
- › how to comply with Defence security practices
- › how to adhere to the packaging requirements, barcode practices and objective quality evidence requirements when supplying Defence goods
- › understanding the influence of policy requirements during procurement
- › how to adhere to import, export, and international obligations
- › how to follow post-procurement processes
- › being aware of elements ancillary to procurement

The *DEFENCE* module should be subscribed to by organisations wishing to engage in Defence procurement. The purpose of this module is to deconstruct the procurement lifecycle and prepare organisations with an understanding of the obligations in the procurement process. By being familiar with these obligations before engaging in Defence procurement, organisations may gain an advantage against competitors.

The *DEFENCE* module is also designed to ensure compliance officers understand their Defence procurement obligations. This is especially important when adhering to security practices, construction services, packaging standards, external policy application, and import, export, and international obligations.

Specific questions and answers covered by the module are:

- › what are the obligations of Defence procurement?
- › how does a contracting organisation ensure compliance with the procurement process?
- › what are the consequences for breach or non-compliance?

The module's coverage is focused on policy and guidance with support from legislative and regulatory material comprising the following core compliance sources:

- › Commonwealth procurement rules
- › Government Procurement (Judicial Review) Act 2018 (Cth)
- › Defence procurement policy manual
- › Public Governance, Performance and Accountability Act 2013 (Cth)
- › Protective Security Policy Framework
- › Information Security Manual
- › Australian Standard for Defence Contracting (ASDEFCON) templates
- › Australian Government contract management guide
- › Criminal Code Act 1995 (Cth)
- › Defence Security Principles Framework
- › Australian Defence Force Packaging Standard DEF(AUST)1000C
- › Indigenous procurement policy
- › Black economy — increasing the integrity of government procurement: procurement connected policy guidelines
- › Workplace Gender Equality Act 2021 (Cth)
- › Defence policy for industry participation
- › Sustainable procurement guide
- › ASDEFCON Technical Data and Intellectual Property Commercial Handbook
- › Defence procurement complaints scheme
- › Customs Act 1901 (Cth)
- › Customs (Prohibited Exports) Regulations 1958 (Cth)
- › Defence Trade Controls Act 2021 (Cth)
- › Customs (Prohibited Imports) Regulations 1956 (Cth)
- › Commerce (Trade Descriptions) Act 1905 (Cth)
- › Commerce (Trade Descriptions) Regulation 2016 (Cth)
- › Biosecurity Act 2015 (Cth)
- › Treaty between the Government of Australia and the Government of the United States of America concerning Defense Trade Cooperation
- › US International Traffic in Arms Regulations
- › Arms Trade Treaty
- › Supplier Pay On-Time or Pay Interest Policy
- › Commonwealth Property Disposal Policy

Ignoring the structure of the procurement lifecycle will reduce an organisation's understanding of the Defence procurement process and limit an organisation's success as a contracting supplier.

Significant consequences may also apply to the organisation and its personnel for breach or non-compliance with mandatory legislative or regulatory obligations. The consequences vary depending on the nature and extent of the breach. The *DEFENCE* module outlines the maximum penalties and fines that may apply to an organisation at a Commonwealth level. Penalties may include monetary fines and imprisonment.

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