

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Roslyn Dundas)

Public Access to Government Contracts Amendment Bill 2002 (No 2)

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Public Access to Government Contracts Amendment Bill 2002 (No 2)

A Bill for

An Act to amend the *Public Access to Government Contracts Act 2000*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Public Access to Government Contracts Amendment*
3 *Act 2002 (No 2)*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written
6 notice.

7 *Note 1* The naming and commencement provisions automatically commence on
8 the notification day (see Legislation Act, s 75 (1)).

9 *Note 2* A single day or time may be fixed, or different days or times may be
10 fixed, for the commencement of different provisions (see Legislation
11 Act, s 77 (1)).

12 *Note 3* If a provision has not commenced within 6 months beginning on the
13 notification day, it automatically commences on the first day after that
14 period (see Legislation Act, s 79).

15 **3 Act amended**

16 This Act amends the *Public Access to Government Contracts Act*
17 *2000*.

18 **4 Definitions**

19 **Section 3, definition of *government agency***

20 *substitute*

21 ***government agency*** means any of the following:

- 22 (a) the Territory;
- 23 (b) a Territory instrumentality;
- 24 (c) the University of Canberra;
- 25 (d) the University of Canberra College Pty Limited
26 (ACN 080 888 231);

27 but does not include a Territory owned corporation.

5 Section 3, definition of *public text*

substitute

public text means—

- (a) for a government contract—the public text of the contract prepared in accordance with section 6; or
- (b) for a tender—the public text of the tender prepared in accordance with section 6A.

6 New section 6A

insert

6A Public text of tender

- (1) This section applies if a government contract was awarded on the basis of tenders.
- (2) Within 21 days after making the contract, the government agency must prepare a public text of the tender for the contract in accordance with this section.
- (3) The public text of the tender must include all the text of the tender, other than text that the agency is satisfied—
 - (a) that, if made public, would result in—
 - (i) the unreasonable disclosure of personal information; or
 - (ii) the disclosure of a trade secret; or
 - (iii) the unreasonable disclosure of information about the business affairs of a person; or
 - (b) it is required to keep confidential under a law or for another reason.

7 Section 7

substitute

- 1 **7 Government contracts and tenders must be made public**
- 2 (1) Within 21 days after a government agency prepares the public text
- 3 of a government contract, the public text of the contract, and, if the
- 4 contract was awarded on the basis of tenders, the public text of the
- 5 tender for the contract, must be made available to the public by—
- 6 (a) making paper copies available for purchase; and
- 7 (b) making electronic copies available without charge on a
- 8 government website.
- 9 (2) A paper or electronic copy of the public text of the contract (and, if
- 10 applicable, the public text of the tender for the contract) must be
- 11 available to the public for whichever of the following is longer:
- 12 (a) for 3 years after the day the contract was made;
- 13 (b) if the public text of the contract is a new public text prepared
- 14 under section 6 (3)—for 3 years after the day the new public
- 15 text was prepared.
- 16 (3) The agency may also make electronic copies available in another
- 17 way.
- 18 **Example**
- 19 electronic copies might be distributed by email
- 20 *Note* An example is part of the Act, is not exhaustive and may extend, but
- 21 does not limit, the meaning of the provision in which it appears (see
- 22 Legislation Act, s 126 and s 132).
- 23 (4) If the agency makes electronic copies available in another way, it
- 24 must be without charge.

Endnote

Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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