

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

FINANCIAL MANAGEMENT AMENDMENT BILL 2000

EXPLANATORY MEMORANDUM

Circulated by Authority of

**Jon Stanhope
Member for Ginninderra**

EXPLANATORY MEMORANDUM

Financial Management Amendment Bill 2000

Outline

This is a Bill to amend the *Financial Management Act 1996* (the Act) to limit the use of clauses that prevent or impede, or purport to prevent or impede, disclosure of information in government contracts to the Legislative Assembly.

Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement of the amendments and the Act to be amended.

The Bill commences on the date it is notified in the *Gazette*.

Territory contracts not to prevent disclosure etc to the Legislative Assembly

Clause 4 of the Bill inserts a new section 66A into the Act to declare any provision of a government contract that prevents or impedes, or purports to prevent or impede, the disclosure to the Legislative Assembly of the terms and conditions of contract. The section also declares void any provision of a contract that prevents or impedes, or purports to prevent or impede, production to the Legislative Assembly of any document containing the contract or part of the contract.

The section does not affect the validity of any other clause of the contract.

The section provides that the Minister may certify that a provision, that would otherwise be void under the section, is reasonable and necessary in the circumstances of the particular contract.

The Minister must give a copy of each contract for which a certificate is given to the Auditor-General who is required to report at six monthly intervals to the Legislative Assembly on his or her examination of the contract.