

PUBLIC ACCESS TO GOVERNMENT CONTRACTS AMENDMENT BILL 2002

Explanatory Memorandum

OVERVIEW OF BILL

The Public Access to Government Contracts Amendment Bill:

- a) confirms the responsibilities of Chief Executive Officers to put in place appropriate measures to ensure compliance with the requirements of the Act; and
- b) specifies agency reporting requirements under the Act.

OUTLINE OF PROVISIONS

PART 1

Section 1 Name of Act explains that this Act is the *Public Access to Government Contracts Amendment Act 2002*.

Section 2 Commencement explains that this Act commences on the day after its notification day.

Section 3 Act amended explains that this Act amends the *Public Access to Government Contracts Act 2000*.

PART 2

Section 8A - List of contracts or statement explains that within 14 days after the end of each 6 month period, a government agency must give the auditor-general either—

- (a) a list of all contracts containing a confidentiality clause entered into by the agency during the 6 month period; or
- (b) a statement that the agency did not enter into a contract containing a confidentiality clause during the 6 month period.

Section 8B - Chief executive officers must ensure compliance provides that each chief executive officer of a government agency must ensure that the agency complies with this Act. In this section: *chief executive officer* of a government agency includes—

- (a) for an administrative unit—the person employed under the *Public Sector Management Act 1994*, section 28 (Engagement) or section 30 (Temporary performance of duties) to perform the duties of the office of chief executive of the unit; and

Note: **Administrative unit** is defined in the *Legislation Act 2001*, dictionary, pt 1.

- (b) for a Territory instrumentality—the person responsible for managing the instrumentality.

Section 8C Application of sections 8A and 8B explains that chief executive officers must provide either a list of contracts or statements for the first 6 month period and each subsequent 6 month period after that. The *first 6 month period* means the period from 22 December 2002 to 21 June 2003.

Schedule 1 Technical amendments

Clause [1.1] Section 3, definition of *government agency*, inserts a new note that explains that the definition of the terms *Territory instrumentality* and *Territory owned corporation* can be found in the *Legislation Act 2001*, dictionary, pt 1.

Clause [1.2] Section 3, definition of *Territory owned corporation* has been omitted because the term is now defined in the *Legislation Act 2001*, dictionary, pt 1.

Endnotes- Republications of amended laws explains that the latest republication of amended laws, see www.legislation.act.gov.au.