

2000
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Stanhope)

Financial Management Amendment Bill 2000

A BILL

FOR

An Act to amend the *Financial Management Act 1996*

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

1 Name of Act

This Act is the *Financial Management Amendment Act 2000*.

5 **2 Commencement**

This Act commences on the day it is notified in the Gazette.

3 Act amended

This Act amends the *Financial Management Act 1996*.

4 Insertion

After section 66 the following section is inserted:

**“66A Territory contracts not to prevent disclosure etc to the
Legislative Assembly**

5 “(1) A provision of a contract made by the Territory or a Territory
authority is void if it prevents or impedes, or purports to prevent or
impede—

- (a) disclosure to the Legislative Assembly of the terms, or any of the
terms, of the contract; or
- 10 (b) production to the Legislative Assembly of a document containing
the contract or any part of the contract.

“(2) The validity of a contract is not otherwise affected by this section.

“(3) A provision of a contract is not void under subsection (1) if, before
or after the contract is made, the Minister signs a certificate to the effect
15 that, in the circumstances of the particular contract or proposed contract,
the provision is reasonable and necessary.

“(4) If the Minister signs a certificate, the Minister must cause a copy of
the relevant contract or proposed contract, and a copy of the certificate, to
be given to the auditor-general for examination.

20 “(5) The auditor-general must, for each period specified in subsection
(6), give a written report to the Legislative Assembly on the contracts and
proposed contracts that the auditor-general has examined during the period.

“(6) For subsection (5), the periods are each period of 6 months
beginning on 1 January or 1 July in a year.

25 “(7) This section does not detract from the privileges and powers of the
Legislative Assembly.

“(8) In this section—

contract includes obligation.

30 *Legislative Assembly* includes, except in subsection (5), a committee of
the Legislative Assembly.

provision, in a contract, includes a term or condition of the contract.”.

5 Transitional

- (1) For the period beginning on the date of commencement of this section and ending on 30 June or 31 December (whichever first occurs after that date), section 66A of the *Financial Management Act 1996*, as inserted
5 by section 4 of this Act, has effect as though subsection (6) were omitted and the following subsection substituted:

“(6) For subsection (5), the first period is the period beginning on the date of commencement of this section and ending on 30 June or 31 December (whichever first occurs after that date).”

- 10 (2) This section lapses on 1 January or 1 July (whichever first occurs) after the date of commencement of this section.

Endnote

Act amended

- 1 Republished as in force on 10 November 1999. (Republication No 2).