

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Supplementary Estimates, November 2004

**Question: Supp 1**

**Topic: Procurement**

**Hansard Page: Written**

Senator Murray asked:

1. When did the Department last update its procurement policy documentation?
2. What mechanisms does the Department have in place to ensure its procurement guidelines reflect current policy in relation to government contracting?
3. Do the Department's current procurement guidelines refer to all of the following accountability mechanisms:
  - The Senate order for departmental and agency contracts;
  - The Department of Finance and Administration's February 2003 *Guidance on Confidentiality of Contractors' Commercial Information*; and
  - The Commonwealth Procurement Guidelines (CPGs) ?
4. Do the Department's tender documentation and contract templates include the following elements:
  - a statement outlining the various Commonwealth accountability requirements;
  - a consistent definition of confidential information across all templates;
  - a provision for the inclusion of specific reasons justifying why a tenderer may wish to protect certain information in the contract if it awarded;
  - a section that outlines the obligations of confidentiality after the contract has been awarded;
  - a more detailed outline, with the general non-disclosure clauses, of the exceptions to confidentiality obligations for Commonwealth contracts; and
  - the model contract clauses, given in DOFA's February 2003 *Guidance on Confidentiality of Contractor's Commercial Information* ?
5. At page 51 of ANAO Audit Report No.10 2004-2005, *The Senate Order for Departmental and Agency Contracts (Calendar Year 2003 Compliance)*, the ANAO has concluded that all FMA agencies would benefit from implementation of contract training courses, or a review of current courses, to ensure that the Senate order requirements are adequately covered and that procurement staff receive relevant DOFA guidance.

What training does the Department currently have in place for procurement staff?

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6. Does this training cover the requirements of the Senate order for departmental and agency contracts and refer to DOFA's February 2003 *Guidance on Confidentiality of Contractor's Commercial Information*?

#### Answers:

1. The Department of the Treasury last updated its procurement policy documentation in October 2003. The Treasury has recently commenced a review of its current procurement policy documentation to ensure that it addresses all government procurement requirements, including the revised Commonwealth Procurement Guidelines (January 2005 edition).

2. The Department of the Treasury is on the Department of Finance and Administration's distribution list for any changes to the *Commonwealth Procurement Guidelines*. Through this network the Treasury is kept informed of changes to government procurement policy. When Treasury is advised of changes in policy, the relevant documents and guidance material are updated.

3. Yes.

4. Yes. The template documents for the provision of goods and the provision of services address all of the six elements mentioned.

However, the Request for Tender and Draft Contract templates for the provision of consultancy services do not contain a statement outlining the various Commonwealth accountability requirements.

5. Treasury has recently embarked upon its second series of seminars provided by the Australian Government Solicitor aimed at improving the awareness and understanding of all staff involved in procurement. In addition to this training, procurement staff are encouraged to attend other in-house and externally run courses.

6. Yes, specific training on this subject is scheduled for early 2005.