

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Supplementary Budget Estimates, 2 November to 3 November 2005

**Question: SBT 68**

**Topic: ACCC – Senate Order**

**Hansard Page: Written**

Senator Murray asked:

1. What guidance is provided to staff with responsibilities for contract negotiations specifically about the requirements of the Senate Order? If relevant guidance is not provided, please explain why this is the case.
2. Has the department/agency revised its procurement guidelines to incorporate the new Commonwealth Procurement Guidelines that took effect from 1 January 2005, particularly with respect to the confidentiality elements contained in those guidelines? If so, when did this occur and can a copy be provided? If not, what is the cause of the delay and when will the revision occur?
3. ANAO audits for the last three years have revealed a consistently low level of compliance across most agencies with DOFA confidentiality criteria (February 2003) for determining whether commercial information should be protected as confidential. The ANAO's latest report on the Order (No.11 2005-2006, September 2005) states that departments and agencies need to give higher priority with this important requirement of the Senate Order.
  - What specific measures have been or will be taken to address this problem, give it higher priority and raise compliance levels?
  - What guidance and training are provided to staff about the confidentiality criteria and the four tests employed to determine whether information should be protected?

What internal auditing or checking is performed to test compliance in this area? If none is performed, why not and is the agency considering the adoption of internal controls and checks?

4. What problems, if any, has the agency and/or relevant staff experienced in complying with the Senate Order? What is the nature and cause of any problems? What measures have been, or could be, adopted to address these concerns?

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Answer:

1. The requirements of the Senate Order are set out in detail in the Operational Guidelines for Contractors and Consultants which are available to all staff on the Commission's intranet.
2. The Commission revised its Chief Executive Instructions in December 2004 to incorporate the new Commonwealth Procurement Guidelines which took effect from 1 January 2005. The Commission also revised its operational guidelines for procurement in March 2005. In addition, the ACCC's tender and contract templates include the provisions and requirements of the Senate Order.
3. Relevant confidentiality clauses are included in all contract templates and RFT documentation.
  - Staff are provided with on the job training and have access to Department of Finance and Administration guidance material and procurement training.
  - Internal checking is performed by a centralised contract manager who oversees and registers all the Commission's contracts. An internal audit on purchasing and procurement was recently undertaken and found that the ACCC was complying with the reporting requirements.
4. The main problem has been ensuring that all contracts entered into have been identified and reported where applicable. To address this problem a more centralised system has been put in place with the roles and responsibilities of staff in regard to contracts clarified, the procurement guidelines revised to ensure that all contract information is captured and information is reconciled to the Financial Management Information System.