

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2004-2005 BUDGET SENATE ESTIMATES HEARING
31 MAY AND 1 JUNE 2004**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

Outcome: Corporate

Question Number: W106-05

Question:

Senator Murray asked in writing:

Do the Department's tender documentation and contract templates include the following elements:

- (a) a statement outlining the various Commonwealth accountability requirements;
- (b) a consistent definition of confidential information across all templates;
- (c) a provision for the inclusion of specific reasons justifying why a tenderer may wish to protect certain information in the contract if it awarded;
- (d) a section that outlines the obligations of confidentiality after the contract has been awarded;
- (e) a more detailed outline, with the general non-disclosure clauses, of the exceptions to confidentiality obligations for Commonwealth contracts; and
- (f) the model contract clauses, given in DOFA's February 2003 *Guidance on Confidentiality of Contractor's Commercial Information*?

Answer:

- (a) Yes, to the extent required for the particular tender/contract;
- (b) Yes;
- (c) Yes;
- (d) Yes;
- (e) The department's standard contract and tender documentation set out the circumstances where the Department will not be taken to have breached its confidentiality obligations; and
- (f) The clause used in the department's standard contract is consistent with DOFA's model contract clause in *'Guidance on Confidentiality of Contractor's Commercial Information'*.