

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Budget Estimates Hearings 2005-2006, 31 October 2005

Question: PM 55-61

Senate Order for Departmental and Agency Contracts

Question 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.

Answer 1 The ANAO has guidance in its Procedural Rules and in the Guidance to officers developing tendering documents. The ANAO has a specialist cell to advise on the Senate Order requirements as well as procurement generally.

Question 2. What training and awareness sessions are provided, either in-house or through other training providers (eg. DOFA, APS Commission or private firms) in respect of the Order? Please provide a list of the dates, the identity of the training providers and the content of the training that staff attended in 2005. If training and awareness sessions are not provided, please explain why this is the case.

Answer 2 The ANAO does not have a specific training course for the Senate Order requirements but this aspect is covered in our general procurement training. As advised in response to Question 1 – we have in-built guidance in our tender document development supported by our specialist procurement cell.

Question 3. 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?

Answer 3 Yes, January 2005, Yes.

Question 4. 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.

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- 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?

Answer 4 The ANAO complies with the Senate Order, the only contracts that have confidential clauses are those remaining contracts that were entered into before the Senate Order was promulgated.

Question 5. 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?

Answer 5 The ANAO has not experienced any problems complying with the Senate Order.