

Government (Open Market Competition) Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

(a) to ensure that copies of all Government contracts, together with copies of all associated tendering documents and results of all performance monitoring, are kept publicly available by all public authorities, and

(b) to ensure that the accounts of persons and bodies that receive public money from a public authority by way of a grant are subject to inspection, examination and audit by the Auditor-General under the *Public Finance and Audit Act 1983*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 defines the expressions **government contract**, **public authority** and **public money** for the purposes of the proposed Act.

Clause 4 requires a public authority to ensure that copies of its government contracts, together with copies of the associated documents for any successful tender and results of all performance monitoring, are freely available for public inspection at its head office and on the Internet. The proposed section charges the Ombudsman with the supervision of public authorities in their performance of those duties, and provides that for that purpose the Ombudsman may conduct investigations and make reports to Parliament with respect to their performance of those duties. The proposed section will not apply to or in respect of any commercially sensitive contracts or any government contracts entered into before the date of assent to the proposed Act.

Clause 5 provides that the accounts of a person or body that receives public money from a public authority by way of a grant are subject to inspection, examination and audit by the Auditor-General, and that such of the activities of the person or body as are funded by the grant are subject to investigation and report by the Auditor-General.

Clause 6 provides that the proposed Act is to apply despite any other Act or law to the contrary, and despite any agreement or other document that purports to exclude, restrict or modify the operation of the proposed Act.