

## **GOVERNMENT (OPEN MARKET COMPETITION) BILL 2003**

### **TERMS OF REFERENCE**

- 1) The Public Accounts Committee is to consider and report on the Government (Open Market Competition) Bill 2003.

In particular, the Committee is to report on:

- 2) Whether the Bill provides an appropriate balance between the public interest in government accountability and:
  - a) government efficiency;
  - b) business profitability;
  - c) the interests of non-government organisations and other grant recipients; and
  - d) any other relevant interests (eg the interests of indigenous persons in protecting culturally sensitive information).
- 3) Whether there are any alternative legislative and/or administrative frameworks, which may provide more appropriate, manageable or cost effective systems for meeting the policy objectives of the Bill. In reporting on this issue, regard may be had to:
  - a) The operation of, and relationship between, the Freedom of Information Act 1989 and Premier's Memorandum No 2000-11 including:
    - i) Whether the guidelines established by the Memorandum adequately determine the items of contract information that should remain confidential.
    - ii) The extent to which the exclusions in Schedule 3 of the Memorandum, including commercial in confidence, are used for standard procurement.
  - b) Current practices in NSW in making grants and how they compare with better practice, in particular:
    - i) planning and alignment of grants;
    - ii) selection of grants;
    - iii) monitoring; and
    - iv) evaluation.
  - c) Consideration of administrative alternatives, such as improving current practices, requiring private sector audit certification, or allowing the Auditor-General access as a condition of the grant.
  - d) Arrangements for Commonwealth funds that are distributed by the State Government.
- 4) The impact of the Bill on persons and bodies likely to be affected by it, including the Government, State Owned Corporations, Local Councils, the Ombudsman, the Auditor-General, the private sector (particularly businesses) and grant recipients.