

Treasurer's Instruction No	1402
Title	Disclosure of Government Contracts valued at more than \$2 million
Effective date	15 September 2012
Objective and Background	Provides instructions on the disclosure requirements to be adopted to comply with the Government's Crown Contracts Confidentiality Policy.
Version Number	4
Last Reviewed Date	August 2012

Black letter (or bold) items within these Instructions are mandatory and other plain font items are instructional or for the purpose of providing guidance only.

- (1) **The following Instruction applies to any contract valued at over \$2 million, except for contracts that result from a procurement process.**

For disclosure requirements in relation to contracts arising from a procurement process refer to Instructions 1110 and 1212.

- (2) **All contracts valued at over \$2 million are to be made publicly available on the relevant agency's website.**

When determining whether a contract is valued at more than \$2 million, the value of all potential extensions is to be taken into account. GST should not be taken into consideration when determining the value.

The contract should be uploaded in either Word (.doc or .docx) or PDF (.pdf) format. The date of execution and the names of the executing parties should be typed into the relevant sections of the contract before publishing. For example:

Executing parties [signed Martin Wallace]

Date of execution [15 February 2011].

For contracts containing confidentiality provisions as a result of an approval under Instruction 1401(4), the confidential information is to be removed from the document before it is published on the website. The date when the confidential information will be available is to be inserted in place of the removed information. For example:

Confidential until [.....am/pm on 201....]

- (3) **If publishing a copy of the contract is not practicable, contact details for an officer able to provide access to the relevant documents on request must be provided on the relevant agency's website together with a summary of the relevant contract details.**

This may occur when the documents contain large diagrams or plans etc.

The summary of the contract should include such information as the following:

- parties to the contract;
- a description of the contract;
- the commencement date and term of the agreement including whether any options to extend are included;
- value of the contract; and
- any other information that the relevant agency feels is necessary to properly summarise the contract.

Agencies may provide copies of documents or access to physical inspection of the documents at the Agency's offices as considered appropriate.

For contracts containing confidentiality provisions as a result of an approval under Instruction 1401(4), the confidential information is to be removed from the document before access is provided. The date when the confidential information will be available is to be inserted in place of the removed information.

- (4) The above documents must be made available on the relevant agency's website, or contact details provided where appropriate, within 10 working days of:**
- (a) the date that all parties sign the actual written contract; or**
 - (b) the date that signed counterparts are exchanged; or**
 - (c) in cases where there is a period of due diligence or specific conditions that need to be satisfied before the contract is formally finalised, the date that the contract is completed.**

In most cases, the contract will be completed on the date it is executed by both parties. However, some contracts, particularly those relating to the sale of assets, may contain clauses that provide for a period of due diligence, or may be conditional on certain conditions being satisfied. In these cases, it would be inappropriate for the contract to be made publicly available, as the contract may not proceed. Completed does not mean the completion of the delivery of goods and/or services provided under the contract.

- (5) The contracts (or relevant contract details) are to be made available for the entire term of the contract including the term of any exercised option(s) to extend.**