



# **Public Governance, Performance and Accountability Amendment (Consultancy and Non-Consultancy Contract Expenditure Reporting) Rules 2020**

---

I, Mathias Cormann, Minister for Finance, make the following rules.

Dated 25 May 2020

Mathias Cormann  
Minister for Finance

---



---

# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
	<b>Schedule 1—Amendments</b>	<b>2</b>
	<i>Public Governance, Performance and Accountability Rule 2014</i>	<i>2</i>



---

## 1 Name

This instrument is the *Public Governance, Performance and Accountability Amendment (Consultancy and Non-Consultancy Contract Expenditure Reporting) Rules 2020*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	4 June 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Public Governance, Performance and Accountability Act 2013*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Public Governance, Performance and Accountability Rule 2014*

#### 1 Section 4

Insert:

***Commonwealth Procurement Rules*** means the instrument of that name made under subsection 105B(1) of the Act, as in force on 20 April 2019.

Note: The *Commonwealth Procurement Rules* could in 2020 be viewed on the Department's website ([www.finance.gov.au](http://www.finance.gov.au)).

***reportable consultancy contract*** means an arrangement that is published in AusTender as a consultancy.

Note: AusTender could in 2020 be viewed on AusTender's website ([www.tenders.gov.au](http://www.tenders.gov.au)).

***reportable non-consultancy contract*** means an arrangement that:

- (a) is published in AusTender; and
- (b) is not a reportable consultancy contract.

Note: AusTender could in 2020 be viewed on AusTender's website ([www.tenders.gov.au](http://www.tenders.gov.au)).

#### 2 After paragraph 17AD(d)

Insert:

- (daa) additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts;

#### 3 Subsection 17AG(6)

Omit "*Commonwealth Procurement Rules*", substitute "*Commonwealth Procurement Rules*".

#### 4 Subsection 17AG(7) (heading)

Repeal the heading, substitute:

*Reportable consultancy contracts*

#### 5 Subparagraphs 17AG(7)(a)(i) and (iii)

Omit "contracts engaging consultants", substitute "reportable consultancy contracts".

#### 6 Paragraph 17AG(7)(b)

Before "consultancy" (wherever occurring), insert "reportable".

#### 7 Paragraph 17AG(7)(d)

Omit "contracts for consultancies", substitute "reportable consultancy contracts".

#### 8 Paragraph 17AG(7)(d)

Omit "contracts and consultancies", substitute "reportable consultancy contracts".

---

**9 After subsection 17AG(7)**

Insert:

*Reportable non-consultancy contracts*

- (7A) The annual report must include the following:
- (a) a summary statement of the following:
    - (i) the number of new reportable non-consultancy contracts that were entered into during the period;
    - (ii) the total actual expenditure during the period on all such contracts (inclusive of GST);
    - (iii) the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period;
    - (iv) the total actual expenditure during the period on those ongoing contracts (inclusive of GST);
  - (b) a statement that “Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.”.

**10 Subsection 17AG(10) (note)**

Omit “Paragraph 5.4 of the *Commonwealth Procurement Rules* deals with”, substitute “Paragraphs 5.5 to 5.7 of the *Commonwealth Procurement Rules* deal with”.

**11 After section 17AG**

Insert:

**17AGA Additional information about organisations receiving amounts under reportable consultancy or reportable non-consultancy contracts**

- (1) For the purposes of paragraph 17AD(daa), this section sets out additional information for the period that is to be included in the annual report about:
- (a) reportable consultancy contracts; and
  - (b) reportable non-consultancy contracts.

*Additional information about organisations receiving amounts under reportable consultancy contracts*

- (2) The annual report must include:
- (a) if 5 or more organisations received amounts under reportable consultancy contracts during the period—both of the following:
    - (i) the names of the organisations who received the 5 largest shares of the entity’s total expenditure on such contracts during the period, and the total amounts they received;
    - (ii) the name of any organisation that, during the period, received one or more amounts under one or more such contracts equal in total to at least 5% of the entity’s total expenditure on such contracts during the period, and the total amount the organisation received; or

- (b) otherwise—the name of any organisation that, during the period, received one or more amounts under one or more reportable consultancy contracts, and the total amount the organisation received.

*Additional information about organisations receiving amounts under reportable non-consultancy contracts*

- (3) The annual report must include:
  - (a) if 5 or more organisations received amounts under reportable non-consultancy contracts during the period—both of the following:
    - (i) the names of the organisations who received the 5 largest shares of the entity’s total expenditure on such contracts during the period, and the total amounts they received;
    - (ii) the name of any organisation that, during the period, received one or more amounts under one or more such contracts equal in total to at least 5% of the entity’s total expenditure on such contracts during the period, and the total amount the organisation received; or
  - (b) otherwise—the name of any organisation that, during the period, received one or more amounts under one or more reportable non-consultancy contracts, and the total amount the organisation received.

## **12 Section 29AA**

Omit “the *Commonwealth Procurement Rules* for”, substitute “the Commonwealth Procurement Rules for”.

## **13 Section 29AA**

Omit “the *Commonwealth Procurement Rules* apply”, substitute “the Commonwealth Procurement Rules apply”.

## **14 Subsection 29AA(2)**

Omit “*Commonwealth Procurement Rules* (as in force from time to time for the purposes of section 105B of the Act)”, substitute “Commonwealth Procurement Rules”.

## **15 Paragraph 29AA(3)(a)**

Omit “rules 4.7 and 4.8” (wherever occurring), substitute “rules 4.9 and 4.10”.

## **16 Paragraph 29AA(3)(b)**

Omit “rules 4.9 and 4.10”, substitute “rules 4.11 and 4.12”.

## **17 In the appropriate position in Chapter 5**

Insert:



## Part 8—Amendments made by the Public Governance, Performance and Accountability Amendment (Consultancy and Non-Consultancy Contract Expenditure Reporting) Rules 2020

### 39 Application of amendments made by the *Public Governance, Performance and Accountability Amendment (Consultancy and Non-Consultancy Contract Expenditure Reporting) Rules 2020*

The amendments of this rule made by the *Public Governance, Performance and Accountability Amendment (Consultancy and Non-Consultancy Contract Expenditure Reporting) Rules 2020* apply in relation to any reporting period that begins on or after 1 July 2020.

### 18 Schedule 2 (table item dealing with PGPA Rule Reference 17AG(6))

Omit “*Commonwealth Procurement Rules*”, substitute “Commonwealth Procurement Rules”.

### 19 Schedule 2 (table items dealing with PGPA Rule Reference 17AG(7)(a), 17AG(7)(b), 17AG(7)(c) and 17AG(7)(d))

Repeal the items, substitute:

	<i>Reportable consultancy contracts</i>		
17AG(7)(a)		A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7)(b)		A statement that “ <i>During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million].</i> ”.	Mandatory
17AG(7)(c)		A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory

Schedule 1 Amendments

17AG(7)(d)		A statement that “ <i>Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.</i> ”	Mandatory
<b><i>Reportable non-consultancy contracts</i></b>			
17AG(7A)(a)		A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7A)(b)		A statement that “ <i>Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.</i> ”	Mandatory
<b><i>17AD(daa)</i></b>	<b><i>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</i></b>		
17AGA		Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory