

# Agency Contract Registers

The *Government Information (Public Access) Act 2009 (GIPA Act)*<sup>1</sup> requires that contract information is made publicly available by the agency through a contract register. Contract registers increase government transparency and can lead to improved performance of outsourced services, as well as increased efficiency and value for money.

This self-assessment checklist is a practical tool for an agency to ensure its published contract register is presented in compliance with the GIPA Act. It reflects the requirements of the GIPA Act and provides additional guidance. The checklist does not prescribe the structure and format that a contract register must follow. For practical guidance on contract registers and the GIPA Act, please see the [IPC's e-learning portal](#).

## A guide to completing the self-assessment

- The focus is on the Contracts Register not individual contracts
- Mandatory practice questions relate to the mandatory elements of the GIPA Act and agencies are strongly encouraged to complete them
- Recommended practice questions in the checklist have been included to assist and guide an agency on how they may satisfy or demonstrate the requirements under the GIPA Act
- Where an agency responds in part, or in the negative, it is suggested that the comments section is completed with the information required to assist the agency to take the necessary steps to ensure the published register is compliant with the GIPA Act.

|                                                                                                         | Assessment questions                                                                                                                                                                                | Status                                                      | Comments                  |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|---------------------------|
| <b>Part 1 – Open access requirements of a contract register (Sections 6, 27 and 35 of the GIPA Act)</b> |                                                                                                                                                                                                     |                                                             |                           |
| <b>1</b>                                                                                                | Does the agency publish a contract register?                                                                                                                                                        | <input type="checkbox"/> YES<br><input type="checkbox"/> NO | Click here to enter text. |
| <b>2</b>                                                                                                | Is the contract register publicly available free of charge on the agency website?                                                                                                                   | <input type="checkbox"/> YES<br><input type="checkbox"/> NO | Click here to enter text. |
|                                                                                                         | <i>Recommended Practice:</i> Is it easily accessible on the agency's website, such as on its 'access to information' page? (If the response is no, please provide reasons in the comments section). | <input type="checkbox"/> YES<br><input type="checkbox"/> NO |                           |
| <b>3</b>                                                                                                | <i>Recommended practice:</i> Has the agency made the contract register accessible to all staff that need to access the register?                                                                    | <input type="checkbox"/> YES<br><input type="checkbox"/> NO | Click here to enter text. |

<sup>1</sup> Part 3 Division 5 of the *Government Information (Public Access) Act 2009*

|                                                                                                                                                                                      | Assessment questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Status                                                                                                                       | Comments                  |
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| 4                                                                                                                                                                                    | <p>Has the agency published a copy of its government contract register on the Government tenders website <a href="https://tenders.nsw.gov.au">https://tenders.nsw.gov.au</a>? (Section 35 of the GIPA Act)</p> <p><i>(Agencies not required to have a copy of the contract register published on the tenders website are:</i></p> <ul style="list-style-type: none"> <li>▪ A State-owned corporation (SOC) or a subsidiary of a SOC</li> <li>▪ A local authority</li> <li>▪ A university)</li> </ul> | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A                                  | Click here to enter text. |
| <b>Part 2 – Contract register requirements (mandatory practices) (Sections 27, 30 and 31 of the GIPA Act)</b>                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                              |                           |
| 5                                                                                                                                                                                    | Does the register clearly identify the different classes of contracts (for example class1, 2, or 3)?                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> YES<br><input type="checkbox"/> NO                                                                  | Click here to enter text. |
| 6                                                                                                                                                                                    | Does the contract register indicate the date on which the contract was entered into the register (section 27(2))?                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> YES<br><input type="checkbox"/> NO                                                                  | Click here to enter text. |
| <b>Part 3 – Information that needs to be entered into the contract register for class 1 contracts (mandatory practices) (Section 29 of the GIPA Act). Does the register include:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                              |                           |
| 7                                                                                                                                                                                    | a) The name and business address of the contractor?                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO                                                                  | Click here to enter text. |
|                                                                                                                                                                                      | b) Particulars of any related body corporate in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract?                                                                                                                                                                                                    | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                      | c) The date on which the contract became effective or the date on which any amendment became effective?                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> YES<br><input type="checkbox"/> NO                                                                  | Click here to enter text. |
|                                                                                                                                                                                      | d) The duration of the contract? (include whether the duration is in months or years)                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> PART                                 | Click here to enter text. |
|                                                                                                                                                                                      | e) Particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract?                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> PART                                 | Click here to enter text. |
|                                                                                                                                                                                      | f) The estimated amount payable to the contractor under the contract?                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> YES<br><input type="checkbox"/> NO                                                                  | Click here to enter text. |
|                                                                                                                                                                                      | g) A description of any provisions under which the amount payable to the contractor may be varied?                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> YES<br><input type="checkbox"/> NO                                                                  | Click here to enter text. |

|                                                                                                                                                                                                                  | Assessment questions                                                                                                                                                                | Status                                                                                                                       | Comments                  |
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|                                                                                                                                                                                                                  |                                                                                                                                                                                     | <input type="checkbox"/> N/A<br><input type="checkbox"/> PART                                                                |                           |
|                                                                                                                                                                                                                  | h) A description of any provisions with respect to the renegotiation of the contract?                                                                                               | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                  | i) For contracts arising from a tendering process, does the register include the method of tendering and a summary of the criteria against which the various tenders were assessed? | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                  | j) Does the register include a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services?  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
| <b>Part 4 – For each class 2 contract (Section 30(2) of the GIPA Act) does the contract register include the following additional information (mandatory practices, if relevant to the particular contract):</b> |                                                                                                                                                                                     |                                                                                                                              |                           |
| 8                                                                                                                                                                                                                | a) All information that must be entered into for a class 1 contract?                                                                                                                | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> PART                                 | Click here to enter text. |
|                                                                                                                                                                                                                  | b) Particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer?                        | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                  | c) Particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer?                                                          | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                  | d) The results of any cost-benefit analysis of the contract conducted by the agency?                                                                                                | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                  | e) The components and quantum of the public sector comparator if used?                                                                                                              | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                  | f) If relevant, does the register include a summary of information used in the contractor's full base case financial model                                                          | <input type="checkbox"/> YES<br><input type="checkbox"/> NO                                                                  | Click here to enter text. |

|                                                                                                                                                                                                                                                                                   | Assessment questions                                                                                                                                                                                                 | Status                                                                                                                       | Comments                  |
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|                                                                                                                                                                                                                                                                                   | (for example, the pricing formula for tolls or usage charges)?                                                                                                                                                       | <input type="checkbox"/> N/A<br><input type="checkbox"/> PART                                                                |                           |
|                                                                                                                                                                                                                                                                                   | g) If relevant, does the register include particulars of how risk, during the construction and operational phases, is to be apportioned between the parties?                                                         | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                                                                                   | h) Particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into?           | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                                                                                   | i) Particulars of any other key elements of the contract?                                                                                                                                                            | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
| <b>Part 5 – Class 3 Contracts (Section 31 of the GIPA Act). For class 3 contracts in addition to the information required for class 2 contracts, does the register include (mandatory practices):</b>                                                                             |                                                                                                                                                                                                                      |                                                                                                                              |                           |
| 9                                                                                                                                                                                                                                                                                 | A copy of the class 3 contracts?                                                                                                                                                                                     | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
| <b>Part 6 – If the agency has not included a copy of a contract in the register, or included only some of the provisions of a contract in the register, the agency must include all the following in the register for each affected contract (Section 32(2) of the GIPA Act):</b> |                                                                                                                                                                                                                      |                                                                                                                              |                           |
| 10                                                                                                                                                                                                                                                                                | a) The reasons why any contract or redacted provisions have not been included in the register? <sup>2</sup>                                                                                                          | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                                                                                   | b) A statement as to whether it is intended that any contract or redacted provisions will be included in the register at a later date and, if so, when it is likely that they will be included? <sup>3</sup>         | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |
|                                                                                                                                                                                                                                                                                   | c) Where some but not all of the provisions of the contract have been included in the register, does the register include a general description of the types of provisions that have not been included? <sup>4</sup> | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> N/A<br><input type="checkbox"/> PART | Click here to enter text. |

<sup>2</sup> Section 32(2)(a) of the GIPA Act<sup>3</sup> Section 32(2)(b) of the GIPA Act<sup>4</sup> Section 32(2)(c) of the GIPA Act

|                                                                                                                                                                                                                                                                                                                          | Assessment questions                                                                                                                                                                                                                                                                                                                                                                                                                      | Status                                                                                       | Comments                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------|
| <b>Part 7 – Maintaining and updating the contracts register (Variations to contracts) (Section 33 of the GIPA Act)</b> Material variations to contracts can result in the information in the contracts register becoming out of date.<br><b>The contracts register will need to be updated to reflect the variation.</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                              |                           |
| 11                                                                                                                                                                                                                                                                                                                       | Where a material variation is made to contracts that would affect the particulars that are required to be included in the government contracts register in relation to the contract, does the register include the particulars?                                                                                                                                                                                                           | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> PART | Click here to enter text. |
| 12                                                                                                                                                                                                                                                                                                                       | Where a material variation is made to contracts, a copy of which is required to be included in the register, does the register include a copy of the variation or the varied provisions?                                                                                                                                                                                                                                                  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> PART | Click here to enter text. |
| 13                                                                                                                                                                                                                                                                                                                       | Does the register indicate the date the variation became effective?                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> YES<br><input type="checkbox"/> NO                                  | Click here to enter text. |
| <b>Part 8 – Public access period for information on the contract register (Section 34 of the GIPA Act).</b> Information needs to be kept on the contracts register for the minimum public access period. The minimum public access period will be the longest of the below options (mandatory practice).                 |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                              |                           |
| 14                                                                                                                                                                                                                                                                                                                       | Has the agency kept information on the contract register for the minimum public access period?<br>The public access period is whichever is the longer of the following periods:<br>a) 20 working days,<br>b) the period until the project to which the contract relates is complete, the goods and services concerned have been provided under the contract, the term of the lease has expired or the real property has been transferred. | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><input type="checkbox"/> PART | Click here to enter text. |
| <b>General comments</b><br>Click here to enter text.                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                              |                           |

## For more information

Contact the Information and Privacy Commission NSW (IPC):

**Freecall:** 1800 472 679  
**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
**Website:** [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

*NOTE: The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.*