



Australian Capital Territory

Government Procurement Amendment Act 2012

A2012-11

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 What is a <i>notifiable contract</i> Section 25 (2) (a), except note	2
5 Section 25 (2), example, except note	2
6 Meaning of <i>notifiable amendment</i> Section 26 (a) (ii)	2
7 Section 26, example, except note	3
8 Public access to material on register Section 29 (1) (b)	3
9 Public text of contracts to be made available Section 31 (3)	4

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Contents

		Page
10	Contracts and information to be given to auditor-general New section 38 (2)	4
11	Responsible territory entity's reporting obligations for contracts etc Section 39 (6), definitions of <i>confidential text</i> , <i>reportable contract</i> and <i>reporting period</i>	4
12	Auditor-general's reporting obligations for contracts etc Section 39A (3), definition of <i>confidential text</i>	5
13	No liability for complying with pt 3 Section 42 (2), definition of <i>reportable contract</i>	5



Australian Capital Territory

Government Procurement Amendment Act 2012

A2012-11

An Act to amend the *Government Procurement Act 2001*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Government Procurement Amendment Act 2012*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Government Procurement Act 2001*.

**4 What is a *notifiable contract*
Section 25 (2) (a), except note**

substitute

- (a) a contract with a total consideration, or estimated total consideration, that is less than the prescribed amount;

5 Section 25 (2), example, except note

substitute

Example—par (a)

The total consideration for a contract for the purchase of swings by the Territory is \$23 500. The contract is later amended to increase the total consideration to \$27 500. If for example, a regulation prescribes an amount of \$25 000 for par (a), the contract, as later amended, would be a notifiable contract.

**6 Meaning of *notifiable amendment*
Section 26 (a) (ii)**

substitute

- (ii) the prescribed amount; or

7 Section 26, example, except note

substitute

Example

The consideration for a contract between the Territory and Acme Pty Ltd for the supply of road runner retention devices is \$240 000.

If, for example, a regulation prescribes an amount of \$25 000 for par (a) (ii), the minimum value for notification of an amendment, or a series of amendments, of the contract is \$25 000 because this amount, under par (a), is greater than 10% of the value of the contract. The contract is amended on 1 January, 1 March and 1 June.

The 1st and 2nd amendments are for \$23 500 each. While neither amendment is separately notifiable, the total of the 2 amendments is \$47 000 and after the 2nd amendment (ie 1 March) each of them becomes a notifiable amendment. When the 2 amendments are notified on the register, the 2 amendments cannot be counted towards any other notifiable amendment. They increase the total consideration for the contract to \$287 000.

The 3rd amendment is for \$27 000. It is not a notifiable amendment because, even though it is more than \$25 000, it is less than 10% of the total consideration for the contract as amended by all previous notifiable amendments, ie \$28 700.

**8 Public access to material on register
Section 29 (1) (b)**

omit

expires

substitute

ends

**9 Public text of contracts to be made available
Section 31 (3)**

omit

when

substitute

2 years after the day

**10 Contracts and information to be given to auditor-general
New section 38 (2)**

insert

(2) In this section:

confidential text includes text that purports to be confidential text.

reportable contract means a notifiable contract that contains confidential text.

**11 Responsible territory entity's reporting obligations for
contracts etc
Section 39 (6), definitions of *confidential text*, *reportable
contract* and *reporting period***

substitute

confidential text—see section 38 (2).

reportable contract—see section 38 (2).

reporting period means a 12-month period ending on 31 March.

**12 Auditor-general's reporting obligations for contracts etc
Section 39A (3), definition of *confidential text***

substitute

confidential text—see section 38 (2).

**13 No liability for complying with pt 3
Section 42 (2), definition of *reportable contract***

substitute

reportable contract—see section 38 (2) (Contracts and information to be given to auditor-general).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 8 December 2011.

2 Notification

Notified under the Legislation Act on 4 April 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Government Procurement Amendment Bill 2012, which originated in the Legislative Assembly as the Government Procurement Amendment Bill 2011 and was passed by the Assembly on 22 March 2012.

Clerk of the Legislative Assembly

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