

2014

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Alistair Coe)

Government Procurement (Transparency in Spending) Amendment Bill 2014

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Government Procurement (Transparency in Spending) Amendment Bill 2014

A Bill for

An Act to amend the *Government Procurement Act 2001* and the *Government Procurement Regulation 2007*

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Government Procurement (Transparency in*
4 *Spending) Amendment Act 2014.*

5 **2 Commencement**

6 This Act commences on the day after it's notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Legislation amended**

10 This Act amends the *Government Procurement Act 2001* and the
11 *Government Procurement Regulation 2007.*

1 **Part 2** **Government Procurement**
2 **Act 2001**

3 **4** **New part 3A**

4 *insert*

5 **Part 3A** **Notifiable invoices**

6 **Division 3A.1** **Preliminary—pt 3A**

7 **42A** **Definitions—pt 3A**

8 In this part:

9 *notifiable invoice*—see section 42B.

10 *notifiable invoices register*—see section 42C.

11 **42B** **What is a *notifiable invoice*?**

12 (1) For this part, a *notifiable invoice* is an invoice for the prescribed
13 amount or more, payable by a responsible territory entity for goods,
14 services or works provided to the Territory or a Territory entity.

15 (2) However, *notifiable invoice* does not include an invoice prescribed
16 by regulation.

Division 3A.2 Notifiable invoices register

42C Keeping of *notifiable invoices register*

- (1) The director-general must keep a register of notifiable invoices (the *notifiable invoices register*).

Note The reference to the director-general is to the director-general of the administrative unit that administers this provision (and not the director-general of each administrative unit), see the [Legislation Act](#), s 163.

- (2) The register must be kept electronically.

Example—how register may be kept

The register may be kept in the form of, or as part of, 1 or more computer databases, and may include data compiled electronically from the databases.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) The director-general may correct any mistake, error or omission in the register subject to any requirement prescribed by regulation.

42D Contents of notifiable invoices register

- (1) The notifiable invoice register must include the following for each notifiable invoice:

- (a) a copy of the invoice;
- (b) the following information:
 - (i) the name of the entity invoicing the Territory;
 - (ii) if the entity invoicing the Territory has an ABN—the ABN;
 - (iii) the name of the responsible Territory entity for the invoice;

- 1 (iv) a brief description of what the invoice is for;
2 (v) if the invoice relates to a contract—information
3 identifying the contract;

4 **Example**

5 contract number

6 *Note* An example is part of the Act, is not exhaustive and may
7 extend, but does not limit, the meaning of the provision in
8 which it appears (see [Legislation Act](#), s 126 and s 132).

- 9 (vi) the date the invoice was raised;
10 (vii) the date the invoice was paid;
11 (viii) the value of the good or service charged for under the
12 invoice;
13 (ix) anything else prescribed by regulation.

- 14 (2) The register may include anything else the director-general
15 considers appropriate.

16 **42E Public access to material on notifiable invoices register**

- 17 (1) The director-general must ensure, as far as practicable, that a copy
18 of the information mentioned in section 42D (1) for a notifiable
19 invoice is accessible on a website approved by the
20 director-general—

- 21 (a) at all times; and
22 (b) for at least 5 years.

- 23 (2) Access must be provided without charge by the Territory.

1 **42F Territory entities to provide material for notifiable**
2 **invoices register**

3 The responsible Territory entity for a notifiable invoice must, within
4 30 days after the day the invoice was paid—

- 5 (a) enter the information mentioned in section 42D (1) for the
6 invoice in the register; or
7 (b) give the information to the director-general for entry in the
8 register.

9 **Division 3A.3 Other matters—notifiable invoices**

10 **42G Notice of effect of part to parties issuing invoices**

11 The responsible Territory entity for the payment of a proposed
12 notifiable invoice must ensure that this part is drawn to the attention
13 of parties intending to provide a good or a service for which an
14 invoice is to be raised.

15 **42H Effect of other disclosure laws etc**

16 This part does not—

- 17 (a) affect any other law in force in the Territory about the
18 disclosure of documents or information; or
19 (b) prevent responsible Territory entities from making available
20 information about, or the text of, government invoices
21 otherwise than as required by this part if any agency is required
22 under law to do or can otherwise properly do so.

23 *Note 1* The *Freedom of Information Act 1989* and the *Territory Records*
24 *Act 2002* provide for access to documents subject to certain exemptions.

25 *Note 2* The Territory privacy principles under the *Information Privacy*
26 *Act 2014* provide for the disclosure of personal information in certain
27 circumstances.

1 **42I No liability for complying with pt 3A**

2 The Territory or a Territory entity is not civilly liable to an entity
3 issuing a notifiable invoice, or to anyone else, for anything done
4 honestly under this part.

5 **5 Dictionary, new definitions**

6 *insert*

7 *notifiable invoice*, for part 3A (Notifiable invoices)—see
8 section 42B.

9 *notifiable invoices register*, for part 3A (Notifiable invoices)—see
10 section 42C.

1 **Part 3** **Government Procurement**
2 **Regulation 2007**

3 **6** **New section 12C**

4 *insert*

5 **12C** **Notifiable invoice threshold—Act, s 42B (1)**

6 The prescribed amount is \$10 000.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 September 2014.

2 Notification

Notified under the [Legislation Act](#) on 2014.

3 Republications of amended laws

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