

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Economic Development)

Government Procurement (Notifiable Invoices) Amendment Bill 2015

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Government Procurement (Notifiable Invoices) Amendment Bill 2015

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:

Part 1 Preliminary

1 Name of Act

This Act is the *Government Procurement (Notifiable Invoices) Amendment Act 2015*.

2 Commencement

- (1) This Act (other than section 4, so far as it inserts section 42C (1) (e)), commences on 1 July 2015.

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

- (2) Section 4, so far as it inserts section 42C (1) (e), commences on—

(a) 1 July 2016; or

(b) if, before 1 July 2016, the Minister fixes another day by written notice—the day fixed.

Note A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

- (3) The [Legislation Act](#), section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Legislation amended

This Act amends the [Government Procurement Act 2001](#) and the [Government Procurement Regulation 2007](#).

Part 2 Government Procurement Act 2001

4 New part 3A

insert

Part 3A Notifiable invoices

Division 3A.1 Preliminary

42A What is a *notifiable invoice*?—pt 3A

- (1) For this part, a *notifiable invoice* is an invoice for the prescribed amount or more, payable by a responsible territory entity for goods, services or works provided to the Territory or a Territory entity.
- (2) However, a *notifiable invoice* does not include—
- (a) an invoice for goods, services or works provided by the Territory or a Territory entity; or
 - (b) an invoice prescribed by regulation.

Division 3A.2 Notifiable invoices register

42B Keeping of notifiable invoice 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.

1 (2) The register must be kept electronically.

2 **Example—how register may be kept**

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

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

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

10 **42C Contents of notifiable invoice register**

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

- 13 (a) the name of the entity invoicing the Territory;
- 14 (b) if the entity invoicing the Territory has an ABN—the ABN;
- 15 (c) the name of the responsible Territory entity for the invoice;
- 16 (d) a brief description of what the invoice is for;
- 17 (e) the date the invoice was received;
- 18 (f) the date the invoice was paid;
- 19 (g) the value of the good, service or work charged for under the
20 invoice;
- 21 (h) anything else prescribed by regulation.

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

1 **42D Public access to material on notifiable invoice register**

2 (1) The director-general must ensure, as far as practicable, that a copy
3 of the information mentioned in section 42C (1) for a notifiable
4 invoice is accessible on a website approved by the
5 director-general—

6 (a) at all times; and

7 (b) for at least 2 years.

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

9 **42E Territory entities to provide material for notifiable invoice**
10 **register**

11 The responsible Territory entity for a notifiable invoice must, within
12 21 days after the end of the month in which the invoice was paid—

13 (a) enter the information mentioned in section 42C (1) for the
14 invoice in the register; or

15 (b) give the information to the director-general for entry in the
16 register.

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

18 **42F Notice of effect of part to parties issuing invoices**

19 The responsible Territory entity for the payment of a proposed
20 notifiable invoice must ensure that this part is drawn to the attention
21 of parties intending to provide a good, service or work for which an
22 invoice is to be raised.

23 **42G Effect of other disclosure laws etc**

24 This part does not—

25 (a) affect any other law in force in the Territory about the
26 disclosure of documents or information; or

- 1 (b) prevent responsible Territory entities from making available
2 information about, or the text of, a notifiable invoice otherwise
3 than as required by this part if any agency is required under
4 law to do so or can otherwise properly do so.

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

7 *Note 2* The Territory privacy principles under the *Information Privacy*
8 *Act 2014* provide for the disclosure of personal information in certain
9 circumstances.

10 **42H No liability for complying with pt 3A**

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

14 **5 Dictionary, new definitions**

15 *insert*

16 *notifiable invoice*, for part 3A (Notifiable invoices)—see
17 section 42A.

18 *notifiable invoices register*, for part 3A (Notifiable invoices)—see
19 section 42B.

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

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

4 *insert*

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

6 The prescribed amount is \$25 000.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 March 2015.

2 Notification

Notified under the [Legislation Act](#) on 2015.

3 Republications of amended laws

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

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