

2017

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Alistair Coe)

Government Procurement (Financial Integrity) Amendment Bill 2017

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Government Procurement (Financial Integrity) Amendment Bill 2017

A Bill for

An Act to amend the *Government Procurement Act 2001*, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Government Procurement (Financial Integrity)*
3 *Amendment Act 2017*.

4 **2 Commencement**

5 This Act commences on 1 January 2018.

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

8 **3 Legislation amended**

9 This Act amends the *Government Procurement Act 2001*.

10 *Note* This Act also amends the following legislation (see sch 1):

- 11 • [Financial Management Act 1996](#)
- 12 • [Government Procurement Regulation 2007](#)
- 13 • [Taxation Administration Act 1999](#)
- 14 • [University of Canberra Act 1989](#).

15 **4 Section 42A**

16 *substitute*

17 **42A What is a *notifiable invoice*?—pt 3A**

- 18 (1) For this part, a *notifiable invoice* is an invoice for \$12 500 or more,
19 payable by a responsible Territory entity for goods, services, works
20 or property provided to, or procured by, the Territory or a Territory
21 entity.

- 1 (2) A ***notifiable invoice*** includes an invoice for reimbursement by the
2 Territory or a Territory entity of the cost for goods, services, works
3 or property provided to, or procured by, a contractor in the course of
4 carrying out the contractor's work for the Territory or a Territory
5 entity.

6 **Example**

7 the cost of flights to Canberra, and accommodation in Canberra, for the contractor
8 to inspect works

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

- 12 (3) However, a ***notifiable invoice*** does not include—

- 13 (a) an invoice for goods, services, works or property provided by
14 the Territory or a Territory entity; or
15 (b) an invoice for the grant of a licence or lease of land, or the sale
16 of a lease of land, by the Territory; or
17 (c) an invoice prescribed by regulation.

18 **5 Contents of notifiable invoices register**
19 **New section 42C (1) (ga)**

20 *insert*

- 21 (ga) if the invoice relates to a contract—the contract number and
22 contract name or title;

1 **Schedule 1 Other amendments**

2 (see s 3)

3 **Part 1.1 Financial Management Act 1996**

4 **[1.1] New section 130A**

5 *insert*

6 **130A Act of grace payments register**

- 7 (1) The director-general must keep a register of act of grace payments
8 (the *act of grace payments register*).

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

- 13 (2) The register must be kept electronically.

14 **Example**

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

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

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

- 22 (4) The act of grace payments register must include the following for
23 each act of grace payment made:

- 24 (a) the date the payment was authorised by the Treasurer;
25 (b) the date of the payment;
26 (c) the amount of the payment;

- 1 (d) the grounds for the payment;
- 2 (e) the directorate or territory authority that made the payment;
- 3 (f) anything else prescribed by regulation.
- 4 (5) The register may include anything else the director-general
5 considers appropriate.
- 6 (6) The responsible directorate or territory authority for an act of grace
7 payment must, within 21 days after the end of the quarter in which
8 the payment was made—
- 9 (a) enter the information mentioned in subsection (4) for the
10 payment in the register; or
- 11 (b) give the information to the director-general for entry in the
12 register.
- 13 *Note* **Quarter**—see the [Legislation Act](#), dictionary, pt 1.
- 14 (7) For subsection (6), the directorate or territory authority must not
15 disclose the identity of a payee for an act of grace payment unless
16 the payee agreed to the disclosure as a condition of authorising the
17 payment.
- 18 (8) The director-general must ensure, as far as practicable, that a copy
19 of the information mentioned in subsection (4) for an act of grace
20 payment is accessible on a website approved by the
21 director-general—
- 22 (a) at all times; and
- 23 (b) for at least 2 years.
- 24 (9) Access under subsection (8) must be provided without charge by the
25 Territory.

- 1 (10) In this section:
2 *act of grace payment* means a payment made by a directorate or
3 territory authority under section 130.

4 **[1.2] Dictionary, note 2**

5 *insert*

- 6 • quarter

7 **Part 1.2 Government Procurement**
8 **Regulation 2007**

9 **[1.3] Section 12C**

10 *omit*

11 **Part 1.3 Taxation Administration Act 1999**

12 **[1.4] Section 97 (d) (v)**

13 *after*

14 section 130 (Act of grace payments)

15 *insert*

16 , section 130A (Act of grace payments register)

1 **Part 1.4** **University of Canberra Act 1989**

2 **[1.5] Section 35 (4)**

3 *after*

4 section 130 (Act of grace payments)

5 *insert*

6 and section 130A (Act of grace payments register)

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 20 September 2017.

2 Notification

Notified under the [Legislation Act](#) on 2017.

3 Republications of amended laws

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