

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Finance)

Government Procurement Amendment Bill 2025

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Government Procurement Amendment Bill 2025

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 Amendment Act 2025*.

4 **2 Commencement**

5 This Act commences on a day fixed by the Minister by written notice.

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

8 *Note 2* A single day or time may be fixed, or different days or times may be
9 fixed, for the commencement of different provisions (see [Legislation Act](#),
10 s 77 (1)).

11 *Note 3* If a provision has not commenced within 6 months beginning on the
12 notification day, it automatically commences on the first day after that
13 period (see [Legislation Act](#), s 79).

14 **3 Legislation amended**

15 This Act amends the *Government Procurement Act 2001* and the
16 *Government Procurement Regulation 2007*.

Part 2 Government Procurement Act 2001

4 Meaning of *procurement* **Section 5 (1), definition of *procurement*, paragraphs (a) (i) and (b)**

omit

contractual

5 Form of procurement contracts and amendments **Section 10**

after

procurement contract

insert

with an estimated total consideration of \$500 or more

6 Meaning of *confidential text*—pt 2 **Section 16 (1), definition of *confidential text*, paragraph (b), except note**

substitute

(b) includes—

(i) an individual's name, other than the name of an individual supplying goods or services in their own name under the notifiable contract; and

(ii) any other personal information about an individual.

- 1 **7 Section 16 (2)**
- 2 *substitute*
- 3 (2) If a notifiable contract relates to the provision of legal services, all
- 4 text of the contract is taken to be confidential text.
- 5 **8 Compliance with Act—annual reporting**
- 6 **New section 44 (2A)**
- 7 *insert*
- 8 (2A) A compliance report does not have to include details about the
- 9 Territory entity’s compliance with the following instruments made
- 10 under this Act:
- 11 (a) the secure local jobs code made under section 22M;
- 12 (b) the guidelines made under section 22U;
- 13 (c) the government procurement rules;
- 14 (d) the government procurement practices.
- 15 **9 Dictionary, definition of *standing-offer arrangement*,**
- 16 **examples**
- 17 *after*
- 18 head agreement
- 19 *insert*
- 20 , panel arrangement

Part 3 Government Procurement Regulation 2007

10 Section 3B heading

substitute

3B Prescribed entities—Act, s 6 (1), def *Territory entity*, par (d)

11 Section 3B (1)

omit

territory authorities

12 Application—pt 2 Section 4 (1) (a), note

substitute

Note This part applies to a procurement to enter into a standing-offer arrangement.

13 Section 4 (2), definition of *standing-offer arrangement*

omit

14 Low-value procurement New section 6 (3)

insert

- (3) However, a Territory entity may obtain an oral quotation from a supplier for a procurement with an estimated total consideration of less than \$500.

15 Limited tender procurement
Section 7 (2)

substitute

(2) The Territory entity must seek at least—

- (a) 3 written quotations for the procurement from suppliers; or
- (b) 1 written quotation for the procurement from a supplier that is—
 - (i) a certified Aboriginal or Torres Strait Islander entity; or
 - (ii) a small or medium business entity based in the ACT or surrounding region.

(3) In this section:

Aboriginal or Torres Strait Islander person means a person who—

- (a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and
- (b) identifies as an Aboriginal person or a Torres Strait Islander person; and
- (c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or a Torres Strait Islander community.

certified Aboriginal or Torres Strait Islander entity means an entity that—

- (a) is at least 50% owned and operated by an Aboriginal or Torres Strait Islander person; and
- (b) has been certified by another entity to be owned and operated by an Aboriginal or Torres Strait Islander person.

Examples—certifying entities

- Supply Nation
- National Aboriginal Community Controlled Health Organisation (NACCHO)
- Office of the Registrar of Indigenous Corporations

entity based in the ACT or surrounding region means an entity that is permanently and primarily located in the ACT or the following areas under the *Local Government Act 1993* (NSW):

- (a) Bega Valley;
- (b) Eurobodalla;
- (c) Goulburn Mulwaree;
- (d) Hilltops;
- (e) Queanbeyan-Palerang Regional;
- (f) Snowy Monaro Regional;
- (g) Snowy Valleys;
- (h) Upper Lachlan Shire;
- (i) Wingecarribee;
- (j) Yass Valley.

small or medium business entity means an entity that employs less than 200 people.

16 Exemption reasons—limited and open tender procurement
New section 9 (1A)

insert

- (1A) Subsection (1) (i) applies whether the additional goods or services are supplied under the initial procurement contract as amended or a new procurement contract.

Section 17

1	17	Section 10
2		<i>substitute</i>
3	10	Exemptions—limited tender procurement
4		The responsible chief executive officer for a Territory entity may, in
5		writing, exempt the Territory entity from the requirement under
6		section 7 (2) (a) to seek at least 3 written quotations if satisfied on
7		reasonable grounds that at least 1 of the exemption reasons applies.
8	18	Late tenders
9		Section 10D (1) (c)
10		<i>omit</i>
11		the last day of
12	19	Contents of register—Act, s 15 (1)
13		Section 12A (1) (q)
14		<i>after</i>
15		amendment of the contract
16		<i>insert</i>
17		, other than any document applied, adopted or incorporated in the
18		contract by reference
19	20	Application—div 5.1
20		Section 13 (a)
21		<i>omit</i>
22		(a <i>new standing-offer arrangement</i>)

**21 Procurements to be reviewed by board—Act,
s 29 (2) (a) (i)
Section 14 (1)**

substitute

- (1) The following procurements by Territory entities must be reviewed by the board:
- (a) a procurement that is—
 - (i) in the planning period; and
 - (ii) has an estimated total consideration of \$7 million or more;
 - (b) a procurement that is in the planning period if—
 - (i) the procurement relates to information and communications technology that includes an element of system development or redesign; or
 - (ii) the procurement is to enter into a standing-offer arrangement under which goods or services may be supplied to more than 1 Territory entity;
 - (c) a procurement that proposes to substantially change the scope or nature of an existing procurement contract if the change is not expressly provided for in the existing procurement contract;
 - (d) a procurement if—
 - (i) a procurement contract has not yet been entered into for the procurement; and
 - (ii) there are significant concerns about probity;
 - (e) a procurement that is referred to the board by any of the following:
 - (i) the Minister;
 - (ii) a responsible chief executive officer for a Territory entity;

Section 22

- 1 (iii) the administrative unit responsible for administering
2 the Act;
- 3 (iv) a person who has been engaged by a Territory entity to
4 investigate whether the procurement was undertaken with
5 probity;
- 6 (f) any other procurement that the board considers should be
7 reviewed.
- 8 (1A) However, the board is not required to review a procurement under
9 subsection (1) (a), (b) or (c) if—
- 10 (a) the procurement is of a kind mentioned in section 9 (1) (i); and
11 (b) the responsible chief executive officer for the Territory entity
12 undertaking the procurement has exempted the Territory entity
13 under section 10 or section 10A in relation to the procurement.

14 **22 Division 5.3 heading**

15 *substitute*

16 **Division 5.3 Board proceedings**

17 **23 Board annual report**
18 **Section 20**

19 *omit*

20 **24 Dictionary, note 2**

21 *omit*

- 22
 - government procurement practices (see s 43 (1))

1 **25 Dictionary, note 2**

2 *insert*

- 3
 - standing-offer arrangement

4 **26 Dictionary, definition of *new standing-offer arrangement***

5 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 October 2025.

2 Notification

Notified under the [Legislation Act](#) on 2025.

3 Republications of amended laws

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