



Australian Capital Territory

# Government Procurement Act 2001

**A2001-28**

**Republication No 36**

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## About this republication

### The republished law

This is a republication of the *Government Procurement Act 2001* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 9 July 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 9 July 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Government Procurement Act 2001

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Australian Capital Territory

# Government Procurement Act 2001

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An Act about procurement by Territory entities for the Territory, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Government Procurement Act 2001*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act. For example, the signpost definition '*Territory entity*—see section 6.' means that the expression 'Territory entity' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See [Legislation Act](#) 2001, s 127 (1), (4) and (5) for the legal status of notes.

### 4 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## Part 1A                      Important concepts

### 5                      **Meaning of *procurement***

(1) In this Act:

***procurement***—

- (a) means the process by which a Territory entity—
  - (i) acquires goods or services by any contractual means, including purchase, lease or rent (with or without an option to buy), or exchange; or
  - (ii) deals in any legal or equitable estate or interest in land or deals in a right, power or privilege over, or in relation to, land as a sublease or licence over land, or part of land, in which the Territory or the Territory entity is the sublessee or licensee; and
- (b) includes the process by which a Territory entity disposes of goods by any contractual means, including sale.

*Note*        **Interest**, in relation to land—see the [Legislation Act](#), dictionary, pt 1.

(2) Also, ***procurement*** includes a procurement by—

- (a) a Territory entity acting solely on behalf of another entity; or
- (b) another entity acting solely on behalf of a Territory entity.

**Example—par (a)**

Canberra Institute of Technology acting solely on behalf of CIT Solutions

(3) However, ***procurement*** does not include—

- (a) acquiring goods or services for—
  - (i) resale; or
  - (ii) use in the production of goods for resale; or

- (b) an acquisition of goods or services by a Territory entity from another Territory entity; or
- (c) a dealing mentioned in subsection (1), definition of ***procurement***, paragraph (a) (ii) between Territory entities; or
- (d) a dealing in any legal or equitable estate or interest in land or a dealing in a right, power or privilege over, or in relation to, land other than as mentioned in subsection (1), definition of ***procurement***, paragraph (a) (ii).

**Examples—par (d)**

- 1 the grant of a lease or licence of land under the *Planning Act 2023*
  - 2 the purchase of land by the Territory or a Territory entity
  - 3 the grant of a sublease or licence by the Territory or a Territory entity as sublessor or licensor
- (4) A regulation may prescribe that something is, or is not, procurement for this Act.
  - (5) In this section:  
***sublease*** includes an underlease.

**6 Meaning of *Territory entity***

- (1) In this Act:  
***Territory entity*** means—
  - (a) a directorate; or
  - (b) the Office of the Legislative Assembly; or
  - (c) an officer of the Assembly; or
  - (d) a territory authority or any other entity prescribed by regulation.
- (2) However, ***Territory entity*** does not include an entity prescribed by regulation not to be a Territory entity.

## 7 Probity

- (1) In undertaking a procurement, a Territory entity must ensure that the procurement is undertaken with probity.
- (2) For this Act, a procurement undertaken by a Territory entity is undertaken with *probity* if—
  - (a) the Territory entity's behaviour is ethical and there is evidence of this behaviour; and
  - (b) the procurement is undertaken with integrity, uprightness and honesty.

## 8 Value for money

- (1) For this Act, *value for money*, in relation to a procurement, means the best available outcome for the procurement that maximises the overall benefit to the Territory.
- (2) Any decisions made or functions exercised in relation to the following must achieve value for money:
  - (a) selecting an entity to supply goods or services;
  - (b) authorising, or committing the Territory to, the expenditure of any money;
  - (c) entering into a procurement contract for the procurement;
  - (d) spending any money;
  - (e) amending a procurement contract;
  - (f) anything else prescribed by regulation.
- (3) To achieve value for money, the responsible chief executive officer for a Territory entity must be satisfied that the decision or exercise of the function—
  - (a) uses public resources in an efficient and effective manner; and
  - (b) manages any risks appropriately; and

- (c) is undertaken by the Territory entity with probity; and
- (d) complies with this Act, including any direction about government procurement practices given by the Minister under section 43.

**Example—par (d)**

a direction to consider a charter of procurement values in undertaking a procurement

*Note* A direction is a notifiable instrument, see s 43.

- (4) A regulation may prescribe any other matter the responsible chief executive officer for a Territory entity must be satisfied of or take into account to achieve value for money.
- (5) Any decision made under subsection (3) in relation to achieving value for money must be recorded in writing as soon as practicable after making the decision.
- (6) In particular, the written record must include the matters mentioned in subsections (3) and (4) of which the responsible chief executive officer was satisfied or took into account.

*Note* Under the *Financial Management Act 1996*, s 31A (1), the responsible director-general of a directorate may enter into, vary and administer a contract relating to the operations of the directorate if the director-general acts in accordance with that Act, s 31. Under s 31 (1), the responsible director-general of a directorate is accountable for the efficient and effective financial management of the public resources for which the directorate is responsible.

## 9 **Meaning of *procurement contract***

In this Act:

***procurement contract*—**

- (a) means a contract entered into by a Territory entity and another entity for procurement under this Act; and
- (b) includes a document prescribed by regulation.

*Note* ***Contract*** includes a contract as amended (see dict).

**10 Form of procurement contracts and amendments**

A procurement contract, including any amendment of the contract, must be in writing.

## Part 2                      Notifiable contracts and notifiable invoices

### Division 2.1              Preliminary

#### 11              Application—pt 2

- (1) To remove any doubt, this part applies in relation to a procurement contract entered into by—
- (a) a Territory entity with an excluded body; or
  - (b) an excluded body acting on behalf of a Territory entity with another excluded body.

**Example**

The Territory represented by a Territory entity enters into a procurement contract with a territory-owned corporation. The Territory entity, but not the territory-owned corporation, is required to notify the contract under this part.

- (2) In this section:

*excluded body* means a body that is not a Territory entity.

#### 12              Meaning of *notifiable contract*—pt 2

- (1) In this part:

*notifiable contract*—

- (a) means a procurement contract with a total consideration, or estimated total consideration, of at least the amount mentioned in subsection (2) (the *consideration amount*); and

*Note*      **Contract** includes a contract as amended (see dict).

- (b) includes—

- (i) a standing-offer arrangement; and



- (ii) a contract entered into under a standing-offer arrangement; but

**Examples—par (ii)**

an order or a work order

- (c) does not include a procurement contract of a kind prescribed by regulation.

- (2) For this section, the *consideration amount* is—

- (a) for a standing-offer arrangement—any amount; or
- (b) for any other procurement contract (including a contract entered into under a standing-offer arrangement)—the amount prescribed by regulation.

## **13 Meaning of *notifiable invoice*—pt 2**

In this part:

*notifiable invoice*—

- (a) means an invoice for—
  - (i) goods or services procured by, or provided to, a Territory entity under a procurement contract payable by a responsible Territory entity; and
  - (ii) the amount prescribed by regulation or more; and
- (b) includes an invoice for reimbursement of costs payable by a responsible Territory entity for the goods or services provided by a contractor in the course of carrying out the contractor's work for a Territory entity; but

**Example**

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

- (c) does not include an invoice—
  - (i) for goods or services provided by a Territory entity; or
  - (ii) prescribed by regulation.

## Division 2.2 Register

### 14 Keeping of register

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

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

*Note* The responsible Territory entity for a notifiable contract or a notifiable invoice must enter into the register any information prescribed for s 15 for the contract or invoice and, if the information changes, update the information in the register (see regulation, s 12C).

### 15 Contents of register

- (1) A regulation may prescribe information that must be included in the register for each notifiable contract and each notifiable invoice.
- (2) The register may include anything else the director-general considers appropriate.

**Example**

information about and links to contracts that are not notifiable contracts

- (3) If any part of a notifiable contract to which a notifiable invoice relates is confidential text, any entry in the register for the invoice must not contain any information that would disclose the confidential text, other than as provided in the confidentiality clause included in the contract.
- (4) A regulation may prescribe the way in which documents are to be entered in the register.

**Example—s (4)**

requiring a document to be in portable document format or in rich text format

## **Division 2.3                      Confidential text in notifiable contracts**

### **16                      Meaning of *confidential text*—pt 2**

- (1) In this part:
  - confidential text*, of a notifiable contract—
    - (a) means that part of the notifiable contract that a party to the contract (including the Territory entity) is required to keep confidential under—
      - (i) a provision of any contract that requires a party to the notifiable contract to keep any part of the notifiable contract confidential; or
      - (ii) any other requirement imposed by law that has the effect of requiring a party to the notifiable contract to keep any part of the notifiable contract confidential; and
    - (b) includes any personal information about a person.

*Note*      The Territory privacy principles apply to a Territory entity (see [Information Privacy Act 2014](#), sch 1).

- (2) All text in the following notifiable contracts is taken to be confidential text:
  - (a) a notifiable contract that relates to the provision of legal services;
  - (b) a notifiable contract for the employment of an individual.
- (3) In this section:  
*personal information*—see the [Information Privacy Act 2014](#), section 8.

## **17 Notice of effect of div 2.3 to contracting parties**

- (1) This section applies in relation to a proposed notifiable contract if—
  - (a) a party to the contract (including the Territory entity), proposes that any part of the contract be confidential text; or
  - (b) any part of the contract will be confidential text because of a requirement imposed by law that requires a party to the contract to keep the part confidential.
- (2) The responsible Territory entity for the notifiable contract must ensure that this division is drawn to the attention of all the proposed parties to the contract (other than a Territory entity).

## **18 Grounds for confidentiality of information**

- (1) Any part of the text of a notifiable contract will be confidential text if a requirement imposed by law requires a party to the contract to keep the text confidential.

### **Example**

a failure to comply with the requirement would create an action for breach of confidence

(2) The responsible Territory entity for a notifiable contract to which section 17 applies must not—

(a) propose that any part of the text of the contract be confidential text unless reasonably satisfied that any disclosure of the text—

(i) would cause unreasonable detriment to the Territory or another party to the contract; or

(ii) may put personal or public safety, or the security of the Territory, at risk; or

**Examples**

1 construction plans for a correctional facility or law enforcement facility

2 information about design, construction or operation of major infrastructure or public works

(iii) would have a significant adverse effect on the financial, legal or property interests of the Territory or a Territory entity; or

(iv) would unreasonably constrain the development or consideration of policy alternatives by the Territory; or

(v) would disclose information prescribed by regulation for this section; or

(b) agree to any part of the text of the contract being confidential text unless reasonably satisfied that any disclosure of the text would—

(i) disclose a trade secret; or

**Example**

intellectual property, including software source codes

- (ii) disclose an artistic, literary or cultural secret; or

**Examples**

- 1 details about a photographic shoot
- 2 text of an historic manuscript
- 3 a secret indigenous cultural practice

- (iii) disclose information (other than a trade, artistic, literary or cultural secret) having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or

**Example**

information on the design and operation of goods

- (iv) be an unreasonable disclosure of information about internal costings or profit margins; or

**Examples**

- 1 hourly rates, on-costs and management fees
- 2 individual components of the contract's total consideration

- (v) disclose information that may put personal or public safety, or the security of the Territory, at risk; or

- (vi) disclose information prescribed by regulation for this section.

- (3) Also, the responsible Territory entity for the notifiable contract must not propose that any part of the text of the contract be confidential text, or agree to any part of the text of the contract being confidential text, if—

- (a) the substance of the information to which the text relates is public knowledge; or

- (b) the effect of the proposal or agreement—

- (i) would be to inappropriately restrict a Territory entity in the management or use of Territory assets; or

- (ii) would not be in the public interest; or

- (iii) would be to require the obligation of confidentiality to apply for longer than is reasonably necessary to protect the interest to which it relates.
- (4) If the responsible Territory entity for the notifiable contract agrees to a part of the text of the contract being confidential text, it must be noted in the contract that the text is confidential text.
- (5) The responsible Territory entity for the notifiable contract may delegate the Territory entity's functions under this section to a public employee.

## **19 Model confidentiality clause required for confidential text**

- (1) The text of a notifiable contract must not be made confidential text unless—
  - (a) a confidentiality clause that incorporates the substance of the model confidentiality clause, as far as is applicable, is included in the contract; and
  - (b) the confidentiality clause does not limit disclosure of information to a greater extent than provided in the model confidentiality clause.
- (2) In this section:  
*model confidentiality clause* means the model confidentiality clause set out in schedule 1.

## **20 Invalidity of non-complying confidentiality clauses**

Any confidentiality clause in, or applying to, a notifiable contract is void if the clause—

- (a) was included in the contract in contravention of section 18; or
- (b) does not comply with section 19.

**21 Auditor-general's requests for contracts and information, reporting obligations etc**

- (1) The responsible Territory entity for a notifiable contract that contains confidential text must, if requested by the auditor-general, give the auditor-general—
  - (a) a copy of the contract; and
  - (b) any other contract or information requested.
- (2) If the auditor-general requests a copy of a notifiable contract that contains confidential text, the auditor-general must report to the relevant Assembly committee on whether the auditor-general is satisfied that confidential text in the contract complies with section 18 (1) or (2).
- (3) In this section:  
*confidential text* includes text that purports to be confidential text.

**Division 2.4 Other matters**

**22 Effect of disclosure of confidential text**

If confidential text, or information about confidential text, is disclosed under this part, the disclosure does not affect the continuing force of the obligation of confidence.

**22A Notice of effect of pt 2 to parties issuing invoices**

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



## **22B Effect of other disclosure laws etc**

This part does not—

- (a) affect any other law applying in the ACT about the disclosure of documents or information; or
- (b) prevent responsible Territory entities from making available information about, or the text of, a notifiable contract or a notifiable invoice otherwise than as required by this part if any agency is required under law to do so or can otherwise properly do so.

*Note 1* The [Freedom of Information Act 2016](#) and the [Territory Records Act 2002](#) provide for how government information and Territory records may be accessed.

*Note 2* The Territory privacy principles under the [Information Privacy Act 2014](#), sch 1 provide for the disclosure of personal information in certain circumstances.

## **22C No liability for complying with pt 2**

The Territory or a Territory entity is not civilly liable to any of the following, or to anyone else, for anything done honestly under this part:

- (a) an entity that is a party to a notifiable contract;
- (b) an entity issuing a notifiable invoice.

## Part 2B                      Secure local jobs code

### Division 2B.1              Application and definitions—pt 2B

#### 22D              Application—div 2B.2

- (1) This section applies to a procurement by a Territory entity if the Territory entity receives a quote, tender or other response in relation to the procurement from any of the following (a *tenderer*):
- (a) the Commonwealth or a State;
  - (b) an entity of the Commonwealth or a State;
  - (c) a territory-owned corporation;
  - (d) a territory authority that is not a Territory entity;
  - (e) a territory instrumentality.

**Example**

a procurement of police services for the Territory from the Australian Federal Police

- (2) The requirements for a procurement under division 2B.2 do not apply to the following in relation to the procurement:
- (a) the Territory entity;
  - (b) the tenderer.
- (3) In this section:
- entity of the Commonwealth or a State* means an entity of the Commonwealth or a State that exercises functions that correspond, or substantially correspond, to the functions of—
- (a) an entity mentioned in section 6 (1), definition of *Territory entity*; or
  - (b) a territory-owned corporation; or
  - (c) a territory authority that is not a Territory entity; or

(d) a territory instrumentality.

*Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

## **22E Definitions—pt 2B**

In this part:

*approved auditor*—see section 22O.

*audit guidelines* means the guidelines made by the Minister under section 22U (1) (a).

*code* means the secure local jobs code.

*council* means the Secure Local Jobs Code Advisory Council established under section 22Z.

*registrar* means the secure local jobs code registrar appointed under section 22V.

*secure local jobs code*—see section 22M.

*secure local jobs code certificate* means a certificate granted to an entity under section 22J.

*secure local jobs code register*—see section 22N.

*territory-funded work*—see section 22F.

*workplace standards*, of an entity, means the obligations and practices of the entity associated with the entity's workplaces, including in relation to the following:

- (a) collective bargaining;
- (b) freedom of association;
- (c) health and safety;
- (d) human rights;
- (e) inductions;

- (f) leave;
- (g) tax and superannuation;
- (h) training;
- (i) workers compensation;
- (j) workplace delegates of unions.

## **22F      Meaning of *territory-funded work*—pt 2B**

- (1) In this part:

***territory-funded work*** means services that are for a Territory entity and are any of the following:

- (a) services that—
  - (i) are primarily for labour (other than excluded services); and
  - (ii) have an estimated value equal to or greater than an amount prescribed by regulation;
- (b) services that are primarily for construction work (other than excluded services);
- (c) services that are primarily for any of the following:
  - (i) building or other industrial cleaning services within the meaning of the ANZSIC, Class 7311, Building and Other Industrial Cleaning Services;
  - (ii) traffic control services to redirect vehicles around a temporary disruption to a public road for the purpose of ensuring safety to workers or the public;
  - (iii) security services by a person who carries on a security activity within the meaning of the [Security Industry Act 2003](#), section 7.

- (2) The [Legislation Act](#), section 47 (3) and (6) does not apply to the ANZSIC applied, adopted or incorporated in a regulation under this section.

*Note* The ANZSIC does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)). The ANZSIC is available free of charge at [www.abs.gov.au](http://www.abs.gov.au).

- (3) In this section:

*ANZSIC* means the Australian and New Zealand Standard Industrial Classification 2006 as in force from time to time.

*excluded services* means services prescribed by regulation.

## **Division 2B.2 Requirements for procurement by Territory entities**

### **22G Requirements for procurement—secure local jobs code certificates etc**

- (1) A Territory entity must not accept a response in relation to a procurement for territory-funded work from a tenderer unless the tenderer—
- (a) holds a secure local jobs code certificate and any conditions on the certificate are appropriate for the procurement; and
  - (b) if the tenderer is required under subsection (2) to submit a labour relations, training and workplace equity plan—submits the plan.
- (2) For subsection (1) (b), a tenderer is required to submit a labour relations, training and workplace equity plan if—
- (a) for territory-funded work mentioned in section 22F (1), definition of *territory-funded work*, paragraphs (a) and (b)—the procurement has an estimated value of—
    - (i) \$200 000 or more; or

- (ii) if another value is prescribed by regulation—the prescribed value; or
- (b) for territory-funded work mentioned in section 22F (1), definition of *territory-funded work*, paragraph (c)—the procurement has an estimated value of—
  - (i) \$25 000 or more; or
  - (ii) if another value is prescribed by regulation—the prescribed value.
- (3) A Territory entity must consider a labour relations, training and workplace equity plan submitted by a tenderer under subsection (1) (b) when assessing responses in relation to a procurement.
- (4) A Territory entity must not enter into a procurement contract for territory-funded work with another entity unless—
  - (a) the other entity holds a secure local jobs code certificate and any conditions on the certificate are appropriate for the procurement; and
  - (b) the contract includes terms that incorporate, as far as applicable, the substance of any model terms determined under subsection (5).
- (5) The Minister may determine model terms for incorporation into procurement contracts for territory-funded work that relate to the requirements of this part or the code.

**Examples—model terms**

- 1 contractor must hold a secure local jobs code certificate for the duration of the contract
- 2 contractor must tell the Territory about any adverse ruling that is made against the contractor and that relates to the code
- 3 contractor must carry out staff inductions
- 4 contractor must allow registrar to enter workplaces to carry out educational activities regarding the code

5 contractor must allow approved auditors to enter workplaces to examine compliance with the code

6 contractor must provide contact details and working hours for workplaces

(6) A determination under subsection (5) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

(7) In this section:

*labour relations, training and workplace equity plan* means a plan made by a tenderer that—

(a) relates to the tenderer's, and any subcontractor's, workplaces in relation to workplace standards, diversity and equity; and

(b) complies with any requirements prescribed by regulation.

## **22H Exemption from requirements—secure local jobs code certificates etc**

(1) The responsible chief executive officer for a Territory entity may exempt the entity from the requirements under section 22G for a procurement—

(a) if it is for emergency works—

(i) to critical services that have been disrupted; or

(ii) to prevent an imminent danger to health and safety; and

(b) the requirements mentioned in section 22G cannot be complied with because of the emergency.

(2) The responsible chief executive officer must notify the registrar and the council of the exemption within 7 days after granting the exemption.

- (3) The registrar may exempt a Territory entity from 1 or more of the requirements under section 22G for a procurement if the registrar considers there is no suitable entity available at a reasonable cost to tender or contract for the procurement that would enable the requirements to be met.
- (4) The registrar must notify the council of the exemption within 7 days after granting the exemption.
- (5) An exemption under this section must be in writing.



## **Division 2B.3      Secure local jobs code certificates and code**

### **22I      Application for secure local jobs code certificate**

- (1) An entity may apply to the registrar for a secure local jobs code certificate.
- (2) The application must—
  - (a) include a current report from an approved auditor stating that the entity meets the requirements mentioned in the code; and
  - (b) comply with any requirements prescribed by regulation.
- (3) A report mentioned in subsection (2) (a) must be in accordance with the audit guidelines.

### **22J      Decision on application**

- (1) The registrar may grant a secure local jobs code certificate to an applicant if satisfied that the applicant—
  - (a) is not prohibited from applying for a certificate under section 22T; and
  - (b) meets the requirements mentioned in the code.
- (2) The registrar may grant a certificate under subsection (1) for up to 30 months.

### **22K      Conditions on secure local jobs code certificate**

- (1) A secure local jobs code certificate is subject to any conditions—
  - (a) prescribed by regulation; or
  - (b) imposed by the registrar.
- (2) The registrar may amend or remove any conditions imposed under subsection (1) (b).

## **22L Surrender of secure local jobs code certificate**

- (1) An entity that holds a secure local jobs code certificate may surrender the entity's certificate to the registrar by notifying the registrar in writing.
- (2) However, an entity may surrender a certificate only if it is not required to hold the certificate under a procurement contract with a Territory entity.
- (3) The registrar may request information from a Territory entity to enable the registrar to decide whether the entity that holds a secure local jobs code certificate is required to do so under a procurement contract with the Territory entity.
- (4) A Territory entity must give the registrar the information requested under subsection (3).

## **22M Secure local jobs code**

- (1) The Minister may make a code (the *secure local jobs code*) that sets out workplace standards and related requirements and that applies to an entity that holds a secure local jobs code certificate.
- (2) The code may include—
  - (a) requirements for the entity to give a Territory entity and the registrar—
    - (i) the names of each of the entity's subcontractors; and
    - (ii) physical addresses, working hours, and contact details of a contact person for each of the entity's work sites, and its subcontractor's work sites; and
  - (b) requirements for the entity to ensure that its subcontractors comply with the requirements of the code for territory-funded work as if the subcontractors were the entity; and
  - (c) any other relevant matters.

- (3) The code may also include requirements for the registrar—
  - (a) to keep records of the details mentioned in subsection (2) (a); and
  - (b) to grant access to those records on request by an entity for the purpose of allowing the entity to exercise any right of entry the entity has under a law in force in the ACT.
- (4) The standards and requirements in the code must not be inconsistent with the *Fair Work Act 2009* (Cwlth) or any other Commonwealth law.
- (5) The code is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **22N Secure local jobs code register**

- (1) The registrar must keep a register (the *secure local jobs code register*) that lists the following:
  - (a) the names of entities that hold secure local jobs code certificates and any conditions or exemptions on the certificates;
  - (b) any action taken by the registrar under section 22T;
  - (c) any other details prescribed by regulation.
- (2) The register must be accessible and searchable by the public.

## **22O Approved auditors**

- (1) The registrar may approve an entity to be an auditor for this part (an *approved auditor*).

- (2) The registrar must not approve an entity under subsection (1) unless satisfied that—
  - (a) the entity has appropriate qualifications and experience to enable the entity to exercise the functions of an approved auditor under this part, including to conduct audits to check compliance with the requirements in the code; and
  - (b) the approval is in accordance with the audit guidelines.
- (3) The registrar must revoke the approval of an auditor if satisfied that the auditor no longer meets the requirements under subsection (2).
- (4) The registrar must prepare and maintain a publicly-available list of approved auditors.

**22P Exemption from code**

The registrar may, on application by an entity, exempt the entity from a requirement of the code if the entity satisfies the registrar that complying with the requirement would result in the entity not complying with a Commonwealth law.

**Division 2B.4 Ensuring compliance with code**

**Subdivision 2B.4.1 Compliance measures**

**22Q Complaints**

- (1) Anyone who believes on reasonable grounds that an entity that holds a secure local jobs code certificate has failed to comply with the code may make a complaint about the entity to the registrar.
- (2) A complaint must—
  - (a) be in writing; and
  - (b) comply with any guidelines made under section 22U (1) (b).

- (3) If a complaint also concerns a failure to comply with a law other than this Act, the registrar may—
  - (a) tell the complainant that they may make the complaint to the authority responsible for administering the law; or
  - (b) refer the complaint to that authority.
- (4) The registrar must not take further action on a complaint if satisfied that the complaint—
  - (a) lacks substance; or
  - (b) is frivolous, vexatious or was not made in good faith; or
  - (c) has been adequately dealt with.
- (5) The registrar must—
  - (a) if the registrar decides to take no action on a complaint—tell the complainant about the registrar’s decision within 14 days after making the decision; and
  - (b) if the registrar is satisfied that an entity the subject of the complaint has failed to comply with the code—tell the complainant about what action under section 22T (1) (a) to (e) the registrar has taken against the entity the subject of the complaint within 14 days after taking the action.
- (6) Subsections (3) (a) and (5) do not apply if the complaint is made anonymously.

## **22R Audits**

- (1) The registrar may appoint an approved auditor to conduct an audit of an entity that holds a secure local jobs code certificate if—
  - (a) a complaint about the entity has been made under section 22Q;  
or
  - (b) the registrar has reasonable grounds to suspect the entity has failed to comply with the code.

- (2) The approved auditor must conduct an audit and give a report about whether the entity meets the requirements under the code to the registrar.
- (3) The audit and report must be in accordance with the audit guidelines.

## **22S Requests for information**

- (1) The registrar may make a written request for relevant information from an entity that holds a secure local jobs code certificate in any of the following circumstances:
  - (a) the registrar is considering imposing a condition under section 22K on the entity's certificate;
  - (b) the registrar has received a complaint under section 22Q about the entity;
  - (c) the registrar has appointed an auditor under section 22R (1) to audit the entity;
  - (d) the registrar is considering a notification the registrar has received under section 22L;
  - (e) the registrar is reviewing or considering the entity's compliance with the code.
- (2) The request must be in accordance with any guidelines made by the Minister under section 22U (1) (c).
- (3) An entity that holds a secure local jobs code certificate must comply with a request for information under subsection (1) within 7 days after the day of the request or within a longer time allowed by the registrar.
- (4) If an entity fails to comply with a request under subsection (1), the registrar may take an action mentioned in section 22T (1) (a) to (e) against the entity.

**22SA Suspension etc pending registrar's decision**

- (1) This section applies if the registrar has reasonable grounds to suspect that an entity that holds a secure local jobs code certificate may have failed to comply with the code.
- (2) The registrar may, for a stated reasonable period—
  - (a) suspend the entity's certificate; or
  - (b) impose or amend conditions on the entity's certificate.

**22T Compliance**

- (1) If the registrar is satisfied that an entity that holds a secure local jobs code certificate has failed to comply with the code, the registrar may do any of the following:
  - (a) take no action;
  - (b) cancel the entity's secure local jobs code certificate immediately or from a stated date;
  - (c) suspend the entity's secure local jobs code certificate;
  - (d) prohibit the entity from applying for a secure local jobs code certificate for a period of up to 12 months;
  - (e) impose or amend conditions on the entity's secure local jobs code certificate.
- (2) In deciding whether there has been a failure to comply with the code or whether to take any action under subsection (1), the registrar must take into account any of the following:
  - (a) an audit report under section 22R;
  - (b) any relevant information from an authority mentioned in section 22Q (3);
  - (c) any relevant information referred to in section 22S (1);

- (d) any information, document or other thing obtained under subdivision 2B.4.2 (Access to premises).

## **22U Compliance guidelines**

- (1) The Minister may make guidelines about any of the following:
  - (a) matters relating to audits, including the following:
    - (i) approval of auditors;
    - (ii) appointment and allocation of auditors;
    - (iii) the conduct of audits;
    - (iv) the content of audit reports;
  - (b) the making and handling of complaints about noncompliance with the code;
  - (c) requests for information under section 22S;
  - (d) an authorised person's access to premises under subdivision 2B.4.2.
- (2) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## **Subdivision 2B.4.2 Access to premises**

### **22UA Definitions—sdiv 2B.4.2**

In this subdivision:

***authorised person*** means a person appointed under section 22UB.

***occupier***, of premises, means a person having the management or control, or otherwise being in charge, of the premises.



*premises* means any place at which an entity that holds a secure local jobs code certificate—

- (a) carries out territory-funded work, including administrative work; or
- (b) keeps records that relate to the territory-funded work.

## **22UB Authorised people and identity cards**

- (1) The registrar may appoint a public servant as an authorised person for this subdivision.

*Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

- (2) The registrar must give an authorised person an identity card that states the person's name and appointment as an authorised person.
- (3) The identity card must show—
  - (a) a recent photograph of the person; and
  - (b) the card's date of issue and expiry; and
  - (c) anything else prescribed by regulation.

## **22UC Entry to premises**

- (1) For this division, an authorised person may—
  - (a) at any reasonable time, enter premises that the public is entitled to use or that are open to the public; or
  - (b) at any time, enter premises with the occupier's consent; or
  - (c) at any time, enter premises if the registrar suspects on reasonable grounds that—
    - (i) an entity has failed to comply with its obligations under the code; and
    - (ii) immediate entry to the premises is necessary to investigate if the entity has failed to comply.

- (2) However, subsection (1) (a) and (c) does not authorise entry into premises, or a part of the premises, that are used for residential purposes.
- (3) An authorised person may, without the occupier's consent, enter the land around premises to ask for consent to enter premises.
- (4) To remove any doubt, an authorised person may enter premises under subsection (1) without payment of an entry fee or other charge.

#### **22UD Production of identity card**

An authorised person must not remain at premises entered under this subdivision if the authorised person does not show their identity card when asked by the occupier.

#### **22UE Consent to entry**

- (1) This section applies if an authorised person intends to ask the occupier of premises to consent to the authorised person entering the premises under section 22UC (1) (b).
- (2) Before asking for the consent, the authorised person must—
  - (a) show the occupier the person's identity card; and
  - (b) tell the occupier—
    - (i) the purpose of the entry; and
    - (ii) that any information, document or other thing obtained under this subdivision may be—
      - (A) used as evidence for action to be taken under section 22T; or
      - (B) given to another authority under section 22UG and that authority may use the information, document or other thing as evidence in court; and
    - (iii) that consent may be refused.

- (3) If the occupier consents, the authorised person must ask the occupier to sign a written acknowledgment (an ***acknowledgment of consent***)—
  - (a) that the occupier was told the matters mentioned in subsection (2) (b); and
  - (b) that the occupier consents to the entry; and
  - (c) stating the time and date when consent was given.
- (4) If the occupier signs an acknowledgment of consent, the authorised person must, as soon as practicable, give a copy to the occupier.
- (5) If information, a document or any other thing obtained under this subdivision is used in a proceeding under a law in force in the Territory, a court must find that an occupier did not consent to entry to premises by an authorised person if—
  - (a) a question arises, in a proceeding in the court, whether the occupier consented to the entry; and
  - (b) an acknowledgment of consent for the entry is not produced in evidence; and
  - (c) it is not proved that the occupier consented to the entry.

## **22UF General powers on entry to premises**

- (1) An authorised person who enters premises under this subdivision may, for this division, do 1 or more of the following in relation to the premises or anything at the premises:
  - (a) inspect or examine;
  - (b) copy, or take an extract from, any document relating to noncompliance, or suspected noncompliance, with the code by an entity;
  - (c) take photographs, films, or audio, video or other recordings;

- (d) require the occupier, or anyone else at the premises, to give information or answer questions;
- (e) require the occupier to produce a document or any other thing (whether the document or other thing is at the premises or elsewhere) that the occupier has, or has access to, reasonably needed to exercise the authorised person's powers under this subdivision;

*Note* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (f) require the occupier to give the authorised person copies of documents produced under paragraph (e);
  - (g) require the occupier to give the authorised person reasonable help (at no cost) to exercise a power under this subdivision.
- (2) The registrar may take an action mentioned in section 22T (1) (a) to (e) against an entity that holds a secure local jobs code certificate if the entity—
- (a) fails to comply with a requirement made under subsection (1) (d), (e), (f) or (g); or
  - (b) obstructs or hinders an authorised person exercising a power under this subdivision.

## **22UG Disclosure of information**

- (1) The registrar may give any information, document or other thing obtained under this subdivision to a responsible authority if the registrar considers that—
- (a) the information, document or other thing is relevant to the exercise of the functions of the responsible authority; and
  - (b) the disclosure of the information, document or other thing to the responsible authority is appropriate.

- (2) In this section:

*responsible authority* means an entity responsible for the administration of a workplace law.

*workplace law* means—

- (a) a law of the Commonwealth, a State or the Territory that relates to workplace standards; and
- (b) any other law prescribed by regulation.

## **22UH Damage etc to be minimised**

In the exercise, or purported exercise, of a power under this subdivision, an authorised person must take all reasonable steps to ensure that the authorised person causes as little inconvenience, detriment and damage as is practicable.

## **22UI Protection from liability**

- (1) An official is not civilly liable for anything done, or omitted to be done, honestly and without recklessness—
  - (a) in the exercise of a function under this division; or
  - (b) in the reasonable belief that the act of omission was in the exercise of a function under this division.
- (2) Any civil liability that would, apart from this section, attach to the official attaches instead to the Territory.
- (3) In this section:

*official* means—

  - (a) the registrar; or
  - (b) an authorised person.

## Division 2B.5            Secure local jobs code registrar

### 22V            Appointment of secure local jobs code registrar

- (1) The Minister must appoint a public servant as the secure local jobs code registrar.

*Note 1*    For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2*    In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

- (2) The registrar must be appointed for a term of not longer than 3 years.

*Note 1*    A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def *appoint*).

*Note 2*    A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

- (3) An appointment is a notifiable instrument.

*Note*       A notifiable instrument must be notified under the [Legislation Act](#).

### 22W            Functions of registrar

- (1) The registrar has the following functions:
- (a) to promote an understanding and acceptance of, and compliance with, this part;
  - (b) to undertake research, and develop educational and other programs, for the purpose of enabling holders of secure local jobs code certificates to comply with the code;
  - (c) to advise the Minister on any matter relevant to the operation of this part;
  - (d) to provide secretariat support to the council;

- (e) any other function given to the registrar under this Act or another territory law.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

- (2) In exercising the registrar's functions, the registrar is not subject to direction by the director-general.

## **22X Ministerial directions to registrar**

- (1) The Minister may give written directions to the registrar in relation to the exercise of the registrar's functions.
- (2) The registrar must comply with a direction given under subsection (1).
- (3) The Minister must present a copy of any direction to the Legislative Assembly within 5 sitting days after the day the direction is given to the registrar.

## **22Y Delegation by registrar**

The registrar may delegate the registrar's functions under this Act to another public servant.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

## **Division 2B.6 Secure local jobs code advisory council**

### **22Z Establishment of council**

The Secure Local Jobs Code Advisory Council is established.

### **22ZA Functions of council**

The council has the following functions:

- (a) to advise the Minister about—
  - (i) matters relating to the operation of this part; and
  - (ii) anything else in relation to local jobs and procurement by Territory entities requested by the Minister;
- (b) any other function given to the council under this Act.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

### **22ZB Membership of council**

- (1) The council consists of—
  - (a) the registrar; and
  - (b) 3 members appointed by the Minister after consultation with the people or bodies that the Minister considers represent the interests of employees; and
  - (c) 3 other members appointed by the Minister, who the Minister considers have the appropriate qualifications or experience to assist the council to exercise its functions.

*Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

- (2) A person must be appointed to the council for not longer than 3 years.



- (3) The registrar is—
  - (a) the chair of the council; and
  - (b) a non-voting member of the council.

#### **22ZC Procedures of council**

- (1) Meetings of the council are to be held when and where the council decides.
- (2) The council may conduct its proceedings (including its meetings) as it considers appropriate.
- (3) The council may publish its considerations as the council considers appropriate.

#### **22ZD Review of pt 2B**

- (1) The council must review the operation of this part before the end of its 2nd year of operation.
- (2) In the review, the council must consider—
  - (a) compliance with the code and other requirements; and
  - (b) the coverage of the provisions including the procurements subject to the provisions; and
  - (c) complaints and disputes.
- (3) The council must present a report of the review to the Minister within 6 months after the day the review was started.

## Part 3 Interest on commercial accounts

### 23 Application—pt 3

This part applies to a procurement contract, other than a contract—

- (a) with a consideration of at least \$10 000 (or, if another amount is prescribed by regulation, the other amount); and
- (b) that states that this part does not apply to it.

### 24 Definitions—pt 3

In this part:

**commercial account** means an account given to a Territory entity for the payment of money under a procurement contract.

**Examples of payments**

a deposit, part payment, instalment payment or a bond or other refundable money

**payment date**, for a commercial account, means—

- (a) the day worked out in accordance with the contract as the day when the account is payable; or
- (b) in any other case—the day on which the account is received by the Territory entity.

**relevant date**, for the payment of a commercial account, means the 25th day of the calendar month after the calendar month in which the payment date for payment of the account happens.

*Note* **Calendar month**—see the [Legislation Act](#), dictionary, pt 1.

### 25 Interest on unpaid accounts

- (1) This section applies if—
  - (a) a Territory entity does not pay a commercial account in full by the relevant date for the account; and

- (b) the person to whom the account is payable requests, in writing, that the Territory entity pay interest on the amount of the account that remains unpaid from time to time after the payment date.
- (2) The Territory entity is liable to pay the creditor a further amount by way of interest on the amount of the account that remains unpaid from time to time.
- (3) Interest is payable at the rate worked out in accordance with the rules under the *Court Procedures Act 2004* applying to the Supreme Court as if the unpaid amount were a judgment of the Supreme Court.
- (4) If payment of the account is made by mail, the payment is taken to be made when it is posted.

## **26 Exclusion of inconsistent contractual terms**

A term in a procurement contract is void if—

- (a) for a contract with a total consideration worth less than the prescribed amount for section 23—the term excludes the application of this part to the contract; or
- (b) the term provides for the payment of interest on an unpaid commercial account that has been rendered under the contract.

## **27 Availability of funds to pay interest**

- (1) Interest payable under this part is payable whether or not there is an appropriation available for the purpose.
- (2) If a commercial account is payable out of a trust banking account under the *Financial Management Act 1996*, section 51 (Directorate trust banking accounts), any interest payable under this part for the account is also payable out of the account.

## Part 4 Government procurement board

### 28 Government Procurement Board

There is an Australian Capital Territory Government Procurement Board.

### 29 Purpose and functions of board

- (1) The purpose of the board, through the exercise of its functions, is to provide strategic direction in relation to procurement for the Territory.

- (2) The functions of the board are—

- (a) to review—

- (i) procurements of a kind prescribed by regulation; and
- (ii) government procurement practices; and

*Note* **Government procurement practices** are practices, policies or procedures to be used by Territory entities for undertaking procurements (see s 43 (1)).

- (b) if required, to make recommendations, in writing, to Territory entities in relation to procurements reviewed under paragraph (a) (i);
- (c) if appropriate, endorse government procurement practices reviewed under paragraph (a) (ii); and
- (d) to recommend that the Minister give a direction about government procurement practices to Territory entities under section 43; and
- (e) to provide advice to the Minister on any issue relevant to procurements by Territory entities or the operation of this Act; and

- (f) to exercise any other function given to the board under this Act or any other territory law.

*Note* A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196).

### 30 Recommendations of board

- (1) If the board makes a recommendation under section 29 (2) (b) to a Territory entity in relation to a procurement, the Territory entity must explain to the board, in writing, how the Territory entity has, or intends to, address the board's recommendation.
- (2) If the board considers that the Territory entity has not addressed, or not adequately addressed, the board's recommendation, the board must make a further recommendation in relation to the matter to the responsible chief executive officer for the Territory entity.
- (3) If the board makes a further recommendation to the responsible chief executive officer for the Territory entity under subsection (2), the officer must explain to the board, in writing, how the board's further recommendation has been, or will be, addressed before the procurement is undertaken or, if the procurement has commenced, continues to be undertaken.
- (4) If the procurement is in the planning period and the board considers that its further recommendation has not been addressed, or not been adequately addressed, the board must refer the matter to the responsible Minister for the Territory entity.
- (5) In this section:

***planning period***, in relation to a procurement, means the period before a Territory entity seeks quotations or invites tenders for the procurement.

*responsible Minister*, for a Territory entity, means—

- (a) for a Territory entity that is a directorate or a territory authority—see the *Financial Management Act 1996*, dictionary; or
- (b) in any other case—a Minister nominated by the Minister administering this Act.

### **31 Ministerial directions to board**

- (1) The Minister may give written directions to the board about the exercise of its functions.
- (2) However, the Minister must not give written directions to the board about the exercise of its functions in relation to the following Territory entities:
  - (a) the Office of the Legislative Assembly;
  - (b) an officer of the Assembly.
- (3) Before giving a direction, the Minister must—
  - (a) tell the board of the intent of the proposed direction; and
  - (b) give the board a reasonable opportunity to comment on the proposed direction; and
  - (c) consider any comments made by the board.
- (4) The Minister must present a copy of a direction given under this section to the Legislative Assembly within 6 sitting days after it is given.
- (5) The board must comply with a direction given to it under this section.
- (6) For the *Competition and Consumer Act 2010* (Cwlth), this Act authorises—
  - (a) the giving of a direction under this section; and

- (b) the doing of, or the failure to do, anything by the board to comply with a direction under this section.

## **32 Constitution of board**

The board consists of the following 9 part-time members:

- (a) the chairperson;
- (b) the deputy chairperson;
- (c) 3 public employee members;
- (d) 4 non-public employee members.

## **33 Board members—appointment**

- (1) The members are to be appointed by the Minister.

*Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.

- (2) A person appointed as chairperson or as a non-public employee member must not be a public employee.
- (3) A person appointed as deputy chairperson or as a public employee member must be a public employee.
- (4) The instrument appointing, or evidencing the appointment of, a member must state whether the member is appointed as chairperson, deputy chairperson, a public employee member or a non-public employee member.

## **34 Board members—conditions of appointment**

A regulation may prescribe—

- (a) a member's term of appointment; and
- (b) any conditions on which a member is appointed in relation to matters not provided for by this part.

**35 Board members—abuse of position**

- (1) A person commits an offence if—
- (a) the person uses information gained because of being a member of the board; and
  - (b) the person does so with the intention of dishonestly obtaining a benefit for the person or someone else.

Maximum penalty: imprisonment for 5 years.

- (2) A person commits an offence if—
- (a) the person has stopped being a member of the board; and
  - (b) the person uses information that the person obtained because of being a member; and
  - (c) the person does so with the intention of dishonestly obtaining a benefit for the person or someone else.

Maximum penalty: imprisonment for 5 years.

- (3) In this section:

*dishonestly*—a person acts dishonestly if—

- (a) the person's conduct is dishonest according to the standards of ordinary people; and
- (b) the person knows that the conduct is dishonest according to those standards.

**36 Board members—ending appointment**

- (1) The Minister must end the appointment of the chairperson or a non-public employee member if the member becomes a public employee.
- (2) The Minister must end the appointment of the deputy chairperson or a public employee member if the person stops being a public employee.



- (3) The Minister may end the appointment of any member—
- (a) for misbehaviour or physical or mental incapacity; or
  - (b) if the member—
    - (i) becomes bankrupt or personally insolvent; or
    - (ii) is absent, other than on leave approved by the Minister, from 3 consecutive meetings of the board; or
    - (iii) commits an offence against section 35 (Board members—abuse of position) or an indictable offence; or
  - (c) for a reason prescribed by regulation.

## Part 5 Notification and review of decisions

### 37 Meaning of *reviewable decision*—pt 5

In this part:

*reviewable decision* means a decision mentioned in schedule 2, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

### 38 Reviewable decision notices

If the registrar makes a reviewable decision, the registrar must give a reviewable decision notice to each entity mentioned in schedule 2, column 4 in relation to the decision.

*Note* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 39 Applications for review

An entity mentioned in schedule 2, column 4 in relation to a reviewable decision may apply to the ACAT for review of the decision.

### 40 Applications for review by complainant

- (1) This section applies if a complainant applies to the ACAT for review of a reviewable decision in relation to an entity that holds a secure local jobs code certificate (the *affected entity*).
- (2) The registrar must, within 7 days after receiving the complainant's application for review, give the affected entity—
  - (a) written notice stating that—
    - (i) the complainant has made an application to the ACAT; and

- (ii) the affected entity may, within 7 days after the registrar's notice is given, apply to the ACAT to be joined as a new party to the application; and
  - (b) a copy of the application; and
  - (c) any notice given by the ACAT in relation to the application.
- (3) If an affected entity makes an application under subsection (2) (b), the ACAT must join the entity as a new party to the complainant's application.

## Part 7 Miscellaneous

### 41 Amounts inclusive of GST

An amount mentioned in this Act is inclusive of any GST payable in relation to the amount.

*Note* A reference to an Act includes a reference to any regulation or other statutory instrument made or in force under the Act (see [Legislation Act](#), s 104).

### 42 Government procurement rules

- (1) The Minister may make rules in relation to procurements undertaken by Territory entities (the *government procurement rules*).

**Example**

rules to ensure a procurement is undertaken with probity

- (2) A Territory entity must comply with any government procurement rules when exercising a function in relation to procurement.
- (3) The government procurement rules are a disallowable instrument.
- (4) In this section:

*Territory entity* does not include—

- (a) the Office of the Legislative Assembly; and
- (b) an officer of the Assembly.

### 43 Government procurement practices

- (1) The Minister may give directions about practices, policies or procedures to be used by Territory entities for undertaking procurements (*government procurement practices*).
- (2) A Territory entity must comply with any direction when exercising a function in relation to procurement.

(3) A direction is a notifiable instrument.

(4) In this section:

*Territory entity*—see section 42 (4).

#### **44 Compliance with Act—annual reporting**

(1) The responsible chief executive officer for a Territory entity must ensure that the Territory entity complies with this Act.

(2) A Territory entity must, for each reporting year, prepare a report (a ***compliance report***) about the Territory entity's compliance with this Act during the year, including—

(a) a statement about whether the Territory entity has complied with this Act during the year; and

(b) if the Territory entity has not complied with this Act during the year—details about how and why the entity has not complied with this Act.

(3) The Territory entity must—

(a) if the Territory entity is required to prepare an annual report under the *Annual Reports (Government Agencies) Act 2004*—include the compliance report in the entity's annual report for the reporting year; or

(b) in any other case—make the report publicly available.

**Example—publicly available**

published on the entity's website

(4) In this section:

***annual report***—see the *Annual Reports (Government Agencies) Act 2004*, dictionary.

***reporting year—***

- (a) if a Territory entity is required to prepare an annual report under the *Annual Reports (Government Agencies) Act 2004*—see that Act, dictionary; or
- (b) in any other case—means a financial year.

**45 Regulation-making power**

- (1) The Executive may make regulations for this Act.
- (2) A regulation may provide that—
  - (a) prescribed things are, or are not, goods or services for this Act; and
  - (b) prescribed kinds of procurements or procurement matters are exempt from this Act.
- (3) A regulation may create offences and fix maximum penalties of not more than 10 penalty units for the offences.

## Part 12

# Transitional—Government Procurement Amendment Act 2024

### 105 Instruments under pre-amendment Act and regulation

- (1) An appointment under the pre-amendment Act, section 12 (Appointment of members) that is in force immediately before the commencement day—
  - (a) is taken to be an appointment under this Act, section 33; and
  - (b) continues in force after the commencement day as if it were an appointment made under section 33 until the end of the term of the appointment, unless ended earlier.
- (2) A delegation under the pre-amendment Act, section 35 (Grounds for confidentiality of information), that is in force immediately before the commencement day, is taken to be a delegation under this Act, section 18.
- (3) A direction made under the pre-amendment regulation, section 13 (Procurement procedure), that is in force immediately before the commencement day, is taken to be a direction under this Act, section 43.
- (4) In this section:

**commencement day** means the day the *Government Procurement Amendment Act 2024*, section 3 commences.

**pre-amendment Act** means this Act as in force immediately before the commencement day.

**pre-amendment regulation** means the regulation for this Act as in force immediately before the commencement day.

**106 Transitional regulations**

A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the [Government Procurement Amendment Act 2024](#).

**107 Expiry—pt 12**

This part expires 2 years after the day it commences.

*Note* A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).



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## Schedule 1      Model confidentiality clause

(see s 19)

### **M      Confidentiality obligations of Territory**

- (1) In this contract, ***confidential information*** means [*list of the kinds of information to be kept confidential*].
- (2) In giving effect to the principles of open and accountable government, the Territory may disclose documents and information unless it has otherwise agreed, or is otherwise required under law, to keep the information confidential.
- (3) Except as provided in this contract, the Territory must not disclose the confidential information to anyone without the prior written consent [*insert the name of the party or the party's representative*] (which consent will not be unreasonably withheld) except if the confidential information—
  - (a) is required or authorised to be disclosed under law; or
  - (b) is reasonably necessary for the enforcement of the criminal law; or
  - (c) is disclosed to the Territory's solicitors, auditors, insurers or advisers; or
  - (d) is generally available to the public; or
  - (e) is in the possession of the Territory without restriction in relation to disclosure before the date of receipt from [*insert the name of the party or the party's representative*]; or
  - (f) is disclosed by the responsible Minister in reporting to the Legislative Assembly or its committees; or
  - (g) is disclosed to the ombudsman or for a purpose in relation to the protection of the public revenue; or
  - (h) is disclosed to the integrity commissioner.

- (4) The *Government Procurement Act 2001*, part 2 (Notifiable contracts and notifiable invoices) applies to this contract.
- (5) The following grounds mentioned in that Act, section 18 (1) and (2) apply to this clause: [*list relevant grounds*].

## Schedule 2      Reviewable decisions

(see pt 5)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	22J	decision not to grant secure local jobs code certificate	applicant
2	22K (1) (b) and (2)	decision to impose, amend or remove condition on secure local jobs code certificate	entity that holds certificate
3	22SA (2) (a)	decision to suspend secure local jobs code certificate including decision to suspend following complaint under s 22Q	entity that holds certificate
4	22SA (2) (a)	decision to suspend secure local jobs code certificate following complaint under s 22Q	complainant
5	22SA (2) (a)	decision not to suspend secure local jobs code certificate following complaint under s 22Q	complainant
6	22SA (2) (b)	decision to impose conditions on secure local jobs code certificate including decision to impose conditions following complaint under s 22Q	entity that holds certificate
7	22SA (2) (b)	decision to impose, amend or remove conditions on secure local jobs code certificate following complaint under s 22Q	complainant

**Schedule 2****Reviewable decisions**

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<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
8	22SA (2) (b)	decision not to impose or amend conditions on secure local jobs code certificate following complaint under s 22Q	complainant
9	22T (1) (a)	decision to take no action following complaint under s 22Q	complainant
10	22T (1) (b)	decision to cancel secure local jobs code certificate including decision to cancel following complaint under s 22Q	entity that holds certificate
11	22T (1) (b)	decision to cancel secure local jobs code certificate following complaint under s 22Q	complainant
12	22T (1) (b)	decision not to cancel secure local jobs code certificate following complaint under s 22Q	complainant
13	22T (1) (c)	decision to suspend secure local jobs code certificate including decision to suspend following complaint under s 22Q	entity that holds certificate
14	22T (1) (c)	decision to suspend secure local jobs code certificate following complaint under s 22Q	complainant
15	22T (1) (c)	decision not to suspend secure local jobs code certificate following complaint under s 22Q	complainant

column 1 item	column 2 section	column 3 decision	column 4 entity
16	22T (1) (d)	decision to prohibit application for secure local jobs code certificate including decision to prohibit following complaint under s 22Q	entity that is prohibited from making application
17	22T (1) (d)	decision to prohibit application for secure local jobs code certificate following complaint under s 22Q	complainant
18	22T (1) (d)	decision not to prohibit application for secure local jobs code certificate following complaint under s 22Q	complainant
19	22T (1) (e)	decision to impose or amend conditions on secure local jobs code certificate including decision to impose or amend conditions following complaint under s 22Q	entity that holds certificate
20	22T (1) (e)	decision to impose, amend or remove conditions on secure local jobs code certificate following complaint under s 22Q	complainant
21	22T (1) (e)	decision not to impose or amend conditions on secure local jobs code certificate following complaint under s 22Q	complainant

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- administrative unit
- appoint
- auditor-general
- bankrupt or personally insolvent
- body
- Commonwealth
- Corporations Act
- director-general (see s 163)
- entity
- establish
- fail
- GST
- head of service
- integrity commissioner
- may (see s 146)
- Minister (see s 162)
- must (see s 146)
- Office of the Legislative Assembly
- officer of the Assembly
- public employee
- public servant
- State
- territory instrumentality
- territory-owned corporation
- the Territory.

**approved auditor**, for part 2B (Secure local jobs code)—see section 22O.

**audit guidelines**, for part 2B (Secure local jobs code)—see section 22E.

**authorised person**, for subdivision 2B.4.2 (Access to premises)—see section 22UA.

**board** means the Australian Capital Territory Government Procurement Board established under section 28.

**chairperson** means the chairperson of the board.

**code**, for part 2B (Secure local jobs code)—see section 22E.

**commercial account**, for part 3 (Interest on commercial accounts)—see section 24.

**complainant** means a person who makes a complaint under section 22Q (1) in relation to an entity that holds a secure local jobs code certificate.

**confidential text**, of a notifiable contract, for part 2 (Notifiable contracts and notifiable invoices)—see section 16.

**construction work**—see the [Work Health and Safety Regulation 2011](#), section 289.

**contract** includes a contract as amended.

**council**, for part 2B (Secure local jobs code)—see section 22E.

**deputy chairperson** means the deputy chairperson of the board.

**director**—see the [Financial Management Act 1996](#), dictionary.

**goods** includes intellectual property.

**goods or services** includes goods or services related to construction work.

**Note** A regulation may provide that prescribed things are, or are not, goods or services for this Act (see s 45 (2) (b)).

***government procurement rules***—see section 42 (1).

***government procurement practices***—see section 43 (1).

***member*** means—

- (a) the chairperson; or
- (b) the deputy chairperson; or
- (c) a public employee member; or
- (d) a non-public employee member.

***notifiable contract***, for part 2 (Notifiable contracts and notifiable invoices)—see section 12.

***notifiable invoice***, for part 2 (Notifiable contracts and notifiable invoices)—see section 13.

***occupier***, of premises, for subdivision 2B.4.2 (Access to premises)—see section 22UA.

***payment date***, for a commercial account, for part 3 (Interest on commercial accounts)—see section 24.

***premises***, for subdivision 2B.4.2 (Access to premises)—see section 22UA.

***probity***—see section 7.

***procurement***—see section 5.

***procurement contract***—see section 9.

***register***—see section 14 (1).

***registrar***, for part 2B (Secure local jobs code)—see section 22E.

***relevant Assembly committee***, for a provision, means a standing committee of the Legislative Assembly nominated, in writing, by the Speaker for the provision.

***relevant date***, for the payment of a commercial account, for part 3 (Interest on commercial accounts)—see section 24.



***responsible chief executive officer***, for a Territory entity, means—

- (a) if the entity is a directorate—the responsible director-general of the directorate under the *Financial Management Act 1996*; or
- (b) if the entity is the Office of the Legislative Assembly—the clerk of the Legislative Assembly; or
- (c) if the entity is an officer of the Assembly—the officer; or
- (d) if the entity is a territory authority—the chief executive officer of the authority under the *Financial Management Act 1996*; or
- (e) if the entity is prescribed by regulation—the person prescribed by regulation.

***responsible Territory entity***, for a procurement contract, means—

- (a) the Territory entity that is, or will be, responsible for the administration of the contract; or
- (b) if a Territory entity administers, or will administer, the contract for another Territory entity—the other Territory entity.

***reviewable decision***, for part 5 (Notification and review of decisions)—see section 37.

***secure local jobs code***, for part 2B (Secure local jobs code)—see section 22M.

***secure local jobs code certificate***, for part 2B (Secure local jobs code)—see section 22E.

***secure local jobs code register***, for part 2B (Secure local jobs code)—see section 22N.

***standing-offer arrangement*** means an arrangement or agreement to supply stated goods or services on agreed terms, including pricing, that may be procured from time to time during a period stated in the arrangement or agreement.

**Examples**

common use arrangement, deed of standing offer, head agreement

***tenderer***, in relation to a procurement, means an entity that submits a quote, tender or other response in relation to the procurement.

***Territory entity***—see section 6.

***territory-funded work***, for part 2B (Secure local jobs code)—see section 22F.

***value for money***—see section 8 (1).

***workplace standards***, of an entity, for part 2B (Secure local jobs code)—see section 22E.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

#### **Government Procurement Act 2001 A2001-28**

notified 24 May 2001 (Gaz 2001 No 21)

commenced 24 May 2001 (s 2)

as amended by

#### **Statute Law Amendment Act 2002 A2002-30 pt 3.33**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.33 commenced 17 September 2002

#### **Government Procurement Amendment Act 2003 A2003-22**

notified LR 19 May 2003

s 1, s 2 commenced 19 May 2003 (LA s 75 (1))

remainder commenced 1 July 2003 (s 2 and [CN2003-4](#))

#### **Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.17**

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

sch 1 pt 1.17 commenced 13 April 2004 (s 2 and see [Annual Reports \(Government Agencies\) Act 2004 A2004-8](#), s 2 and [CN2004-5](#))

#### **Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.27**

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

sch 1 pt 1.27 commenced 10 January 2005 (s 2 and see [Court Procedures Act 2004 A2004-59](#), s 2 and [CN2004-29](#))

#### **Government Procurement Amendment Act 2005 A2005-1**

notified LR 22 February 2005

s 1, s 2 commenced 22 February 2005 (LA s 75 (1))

remainder commenced 23 February 2005 (s 2)

#### **Government Procurement Amendment Act 2007 A2007-11**

notified LR 13 June 2007

s 1, s 2 commenced 13 June 2007 (LA s 75 (1))

remainder commenced 1 October 2007 (s 2 and [CN2007-14](#))

**Statute Law Amendment Act 2008 A2008-28 sch 1 pt 1.3**

notified LR 12 August 2008  
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))  
sch 1 pt 1.3 commenced 26 August 2008 (s 2)

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.34**

notified LR 26 November 2009  
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))  
sch 3 pt 3.34 commenced 17 December 2009 (s 2)

**Fair Trading (Australian Consumer Law) Amendment Act 2010  
A2010-54 sch 3 pt 3.10**

notified LR 16 December 2010  
s 1, s 2 commenced 16 December 2010 (LA s 75 (1))  
sch 3 pt 3.10 commenced 1 January 2011 (s 2 (1))

**Administrative (One ACT Public Service Miscellaneous Amendments)  
Act 2011 A2011-22 sch 1 pt 1.73**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.73 commenced 1 July 2011 (s 2 (1))

**Government Procurement Amendment Act 2012 A2012-11**

notified LR 4 April 2012  
s 1, s 2 commenced 4 April 2012 (LA s 75 (1))  
remainder commenced 5 April 2012 (s 2)

**Legislative Assembly (Office of the Legislative Assembly) Act 2012  
A2012-26 sch 1 pt 1.4**

notified LR 24 May 2012  
s 1, s 2 commenced 24 May 2012 (LA s 75 (1))  
sch 1 pt 1.4 commenced 1 July 2012 (s 2)

**Officers of the Assembly Legislation Amendment Act 2013 A2013-41  
sch 1 pt 1.3**

notified LR 7 November 2013  
s 1, s 2 commenced 7 November 2013 (LA s 75 (1))  
sch 1 pt 1.3 commenced 1 July 2014 (s 2)

## Endnotes

**Statute Law Amendment Act 2014 (No 2) A2014-44 sch 3 pt 3.5**

notified LR 5 November 2014

s 1, s 2 commenced 5 November 2014 (LA s 75 (1))

sch 3 pt 3.5 commenced 19 November 2014 (s 2)

**Justice and Community Safety Legislation Amendment Act 2014 (No 2) A2014-49 sch 1 pt 1.7**

notified LR 10 November 2014

s 1, s 2 commenced 10 November 2014 (LA s 75 (1))

sch 1 pt 1.7 commenced 17 November 2014 (s 2)

**Government Procurement (Transparency in Spending) Amendment Act 2015 A2015-14 pt 2**

notified LR 20 May 2015

s 1, s 2 commenced 20 May 2015 (LA s 75 (1))

s 4, so far as it inserts s 42C (1) (e), commenced 1 July 2017 (s 2 (2) (b) and [CN2016-12](#))

pt 2 remainder commenced 1 July 2015 (s 2 (1))

**Annual Reports (Government Agencies) Amendment Act 2015 A2015-16 sch 1 pt 1.14**

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 1 pt 1.14 commenced 3 June 2015 (s 2)

**Public Sector Management Amendment Act 2016 A2016-52 sch 1 pt 1.32**

notified LR 25 August 2016

s 1, s 2 commenced 25 August 2016 (LA s 75 (1))

sch 1 pt 1.32 commenced 1 September 2016 (s 2)

**Freedom of Information Act 2016 A2016-55 sch 4 pt 4.12 (as am by A2017-14 s 19)**

notified LR 26 August 2016

s 1, s 2 commenced 26 August 2016 (LA s 75 (1))

sch 4 pt 4.12 commenced 1 January 2018 (s 2 as am by [A2017-14](#) s 19)

**Justice and Community Safety Legislation Amendment Act 2017  
(No 2) A2017-14 s 19**

notified LR 17 May 2017

s 1, s 2 commenced 17 May 2017 (LA s 75 (1))

s 19 commenced 24 May 2017 (s 2 (1))

*Note* This Act only amends the Freedom of Information Act 2016  
[A2016-55](#).

**Government Procurement (Financial Integrity) Amendment Act 2017  
A2017-40**

notified LR 13 November 2017

s 1, s 2 commenced 13 November 2017 (LA s 75 (1))

remainder commenced 1 July 2018 (s 2)

**Government Procurement (Secure Local Jobs) Amendment Act 2018  
A2018-41**

notified LR 7 November 2018

s 1, s 2 commenced 7 November 2018 (LA s 75 (1))

sch 1 commenced 7 November 2019 (s 2 (3))

remainder commenced 15 January 2019 (s 2 (1))

**Integrity Commission Act 2018 A2018-52 sch 1 pt 1.12 (as am by  
A2019-18 s 4)**

notified LR 11 December 2018

s 1, s 2 commenced 11 December 2018 (LA s 75 (1))

sch 1 pt 1.12 commenced 1 July 2019 (s 2 (1) as am by [A2019-18](#) s 4)

**Integrity Commission Amendment Act 2019 A2019-18 s 4**

notified LR 14 June 2019

s 1, s 2 commenced 14 June 2019 (LA s 75 (1))

s 4 commenced 1 July 2019 (s 2 (1))

*Note* This Act only amends the Integrity Commission Act 2018  
[A2018-52](#).

**Government Procurement Amendment Act 2022 A2022-1 pt 2**

notified LR 16 February 2022

s 1, s 2 commenced 16 February 2022 (LA s 75 (1))

pt 2 commenced 1 March 2022 (s 2)

## Endnotes

3 Legislation history

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**Legislation (Legislative Assembly Committees) Amendment Act 2022  
A2022-4 sch 1 pt 1.11**

notified LR 30 March 2022  
s 1, s 2 commenced 30 March 2022 (LA s 75 (1))  
sch 1 pt 1.11 commenced 6 April 2022 (s 2)

**Planning (Consequential Amendments) Act 2023 A2023-36 sch 1  
pt 1.32**

notified LR 29 September 2023  
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))  
sch 1 pt 1.32 commenced 27 November 2023 (s 2 (1) and see  
[Planning Act 2023 A2023-18, s 2 \(2\) and CN2023-10](#))

**Government Procurement Amendment Act 2024 A2024-2**

notified LR 19 February 2024  
s 1, s 2 commenced 19 February 2024 (LA s 75 (1))  
remainder commenced 1 July 2024 (s 2)

**Workplace Legislation Amendment Act 2025 A2025-18 pt 2**

notified LR 2 July 2025  
s 1, s 2 commenced 2 July 2025 (LA s 75 (1))  
pt 2 commenced 9 July 2025 (s 2 (1))



## 4 Amendment history

### Long title

long title sub [A2003-22](#) amdt 1.1; [A2007-11](#) s 4; [A2024-2](#) s 5

### Dictionary

s 2 om R1 (LA s 89 (4))  
ins [A2003-22](#) s 4  
am [A2024-2](#) s 6

### Meaning of *procurement*

s 2A ins [A2007-11](#) s 5  
om [A2024-2](#) s 7

### Notes

s 3 **orig s 3**  
am [A2002-30](#) amdt 3.387  
sub [A2003-22](#) s 4  
am [A2007-11](#) s 6; [A2012-26](#) amdt 1.22; [A2013-41](#) amdt 1.17  
om [A2024-2](#) s 7  
**pres s 3**  
(prev s 4) renum as s 3 [A2024-2](#) s 8

### Application of Act to land sales etc

s 3A ins [A2007-11](#) s 7  
sub [A2009-49](#) amdt 3.76  
am [A2023-36](#) amdt 1.165  
om [A2024-2](#) s 7

### Responsible chief executive officer to ensure Act complied with

s 3B ins [A2007-11](#) s 8  
om [A2024-2](#) s 7

### Offences against Act—application of Criminal Code etc

s 4 **orig s 4**  
renum as s 3  
**pres s 4**  
(prev s 4A) ins [A2003-22](#) amdt 1.2  
renum as s 4 [A2024-2](#) s 8

### Offences against Act—application of Criminal Code etc

s 4A renum as s 4

### Important concepts

pt 1A hdg ins [A2024-2](#) s 9

### Meaning of *procurement*

s 5 om [A2024-2](#) s 10  
ins [A2024-2](#) s 9

## Endnotes

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### **Meaning of *Territory entity***

s 6 am [A2002-30](#) amdt 3.388  
sub [A2003-22](#) amdt 1.3; [A2007-11](#) s 9  
om [A2024-2](#) s 10  
ins [A2024-2](#) s 9

### **Probity**

s 7 am [A2002-30](#) amdts 3.389-3.391; [A2003-22](#) amdt 1.4,  
amdt 1.5  
om [A2007-11](#) s 10  
ins [A2024-2](#) s 9

### **Value for money**

s 8 am [A2010-54](#) amdt 3.31; [A2012-26](#) amdt 1.23; ss renum R17  
LA; [A2013-41](#) amdt 1.18  
om [A2024-2](#) s 10  
ins [A2024-2](#) s 9

### **Meaning of *procurement contract***

s 9 sub [A2012-23](#) amdt 1.24  
am [A2013-41](#) amdt 1.19, amdt 1.20  
om [A2024-2](#) s 10  
ins [A2024-2](#) s 9

### **Form of procurement contracts and amendments**

s 10 am [A2012-23](#) amdt 1.25; [A2013-41](#) amdt 1.21  
om [A2024-2](#) s 10  
ins [A2024-2](#) s 9

### **Notifiable contracts and notifiable invoices**

pt 2 hdg sub [A2024-2](#) s 10

### **Preliminary**

div 2.1 hdg sub [A2024-2](#) s 10

### **Application—pt 2**

s 11 sub [A2007-11](#) s 11  
am [A2008-28](#) amdt 1.4, amdt 1.5  
sub [A2024-2](#) s 10

### **Meaning of *notifiable contract*—pt 2**

s 12 am [A2002-30](#) amdt 3.392; [A2003-22](#) amdt 1.6; [A2007-11](#) s 12,  
s 13; [A2022-4](#) amdt 1.34  
sub [A2024-2](#) s 10

### **Meaning of *notifiable invoice*—pt 2**

s 13 sub [A2002-30](#) amdt 3.393; [A2024-2](#) s 10

### **Register**

div 2.2 hdg sub [A2024-2](#) s 10

**Keeping of register**s 14 sub [A2024-2](#) s 10**Contents of register**s 15 sub [A2003-22](#) amdt 1.7; [A2024-2](#) s 10**Confidential text in notifiable contracts**div 2.3 hdg sub [A2024-2](#) s 10**Meaning of *confidential text*—pt 2**s 16 am [A2007-11](#) s 14; [A2009-49](#) amdt 3.77  
sub [A2024-2](#) s 10**Notice of effect of div 2.3 to contracting parties**s 17 sub [A2024-2](#) s 10**Grounds for confidentiality of information**s 18 am [A2007-11](#) s 15; ss renum R9 LA  
sub [A2024-2](#) s 10**Model confidentiality clause required for confidential text**s 19 am [A2003-22](#) s 5; [A2007-11](#) s 16; ss renum R9 LA  
sub [A2024-2](#) s 10**Board quorum**s 19A hdg sub [A2007-11](#) s 17  
s 19A ins [A2003-22](#) s 6  
am [A2007-11](#) s 18  
om [A2024-2](#) s 10**Invalidity of non-complying confidentiality clauses**s 20 sub [A2024-2](#) s 10**Auditor-general's requests for contracts and information, reporting obligations etc**s 21 am [A2011-22](#) amdt 1.223, amdt 1.230  
sub [A2016-52](#) amdt 1.95; [A2024-2](#) s 10**Other matters**div 2.4 hdg sub [A2024-2](#) s 10**Other matters**div 2.5 hdg ins [A2003-22](#) amdt 1.8  
om [A2024-2](#) s 10**Effect of disclosure of confidential text**s 22 sub [A2003-22](#) amdt 1.8; [A2024-2](#) s 10**Notice of effect of pt 2 to parties issuing invoices**s 22A ins [A2007-11](#) s 19  
sub [A2024-2](#) s 10

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#### Effect of other disclosure laws etc

s 22B ins [A2007-11](#) s 19  
am [A2012-23](#) amdt 1.26; [A2013-41](#) amdt 1.22  
sub [A2024-2](#) s 10

#### No liability for complying with pt 2

s 22C ins [A2007-11](#) s 19  
am [A2012-23](#) amdt 1.27; [A2013-41](#) amdt 1.23; pars renum  
R30 LA  
sub [A2024-2](#) s 10

#### Procurement activities

pt 2A hdg ins [A2007-11](#) s 19  
om [A2024-2](#) s 10

#### Secure local jobs code

pt 2B hdg ins [A2018-41](#) s 4

#### Application and definitions—pt 2B

div 2B.1 hdg ins [A2018-41](#) s 4

#### Application—div 2B.2

s 22D ins [A2018-41](#) s 4  
sub [A2024-2](#) s 11

#### Definitions—pt 2B

s 22E ins [A2018-41](#) s 4  
def **approved auditor** ins [A2018-41](#) s 4  
def **audit guidelines** ins [A2018-41](#) s 4  
def **code** ins [A2018-41](#) s 4  
def **council** ins [A2018-41](#) s 4  
def **registrar** ins [A2018-41](#) s 4  
def **secure local jobs code** ins [A2018-41](#) s 4  
def **secure local jobs code certificate** ins [A2018-41](#) s 4  
def **secure local jobs code register** ins [A2018-41](#) s 4  
def **tenderer** ins [A2018-41](#) s 4  
om [A2024-2](#) s 12  
def **territory-funded work** ins [A2018-41](#) s 4  
def **workplace standards** ins [A2018-41](#) s 4

#### Meaning of territory-funded work—pt 2B

s 22F ins [A2018-41](#) s 4  
sub [A2018-41](#) amdt 1.1  
am [A2022-1](#) s 4; [A2024-2](#) ss 13-17

#### Requirements for procurement by Territory entities

div 2B.2 hdg ins [A2018-41](#) s 4  
sub [A2024-2](#) s 18

**Requirements for procurement—secure local jobs code certificates etc**

s 22G ins [A2018-41](#) s 4  
am [A2022-1](#) s 5, s 6; ss renum R32 LA; [A2024-2](#) ss 19-21

**Exemption from requirements—secure local jobs code certificates etc**

s 22H ins [A2018-41](#) s 4  
am [A2024-2](#) s 22

**Secure local jobs code certificates and code**

div 2B.3 hdg ins [A2018-41](#) s 4

**Application for secure local jobs code certificate**

s 22I ins [A2018-41](#) s 4

**Decision on application**

s 22J ins [A2018-41](#) s 4

**Conditions on secure local jobs code certificate**

s 22K ins [A2018-41](#) s 4

**Surrender of secure local jobs code certificate**

s 22L ins [A2018-41](#) s 4  
am [A2024-2](#) ss 23-25

**Secure local jobs code**

s 22M ins [A2018-41](#) s 4  
am [A2024-2](#) s 26

**Secure local jobs code register**

s 22N ins [A2018-41](#) s 4

**Approved auditors**

s 22O ins [A2018-41](#) s 4

**Exemption from code**

s 22P ins [A2018-41](#) s 4

**Ensuring compliance with code**

div 2B.4 hdg ins [A2018-41](#) s 4  
sub [A2022-1](#) s 7

**Compliance measures**

sdiv 2B.4.1 hdg ins [A2022-1](#) s 7

**Complaints**

s 22Q ins [A2018-41](#) s 4  
am [A2022-1](#) s 8, s 9

**Audits**

s 22R ins [A2018-41](#) s 4

**Requests for information**

s 22S ins [A2018-41](#) s 4  
am [A2022-1](#) s 10

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### **Suspension etc pending registrar's decision**

s 22SA ins [A2022-1](#) s 11

### **Compliance**

s 22T ins [A2018-41](#) s 4  
am [A2022-1](#) s 12

### **Compliance guidelines**

s 22U hdg sub [A2022-1](#) s 13  
s 22U ins [A2018-41](#) s 4  
am [A2022-1](#) s 14

### **Access to premises**

sdiv 2B.4.2 hdg ins [A2022-1](#) s 15

### **Definitions—sdiv 2B.4.2**

s 22UA ins [A2022-1](#) s 15  
def **authorised person** ins [A2022-1](#) s 15  
def **occupier** ins [A2022-1](#) s 15  
def **premises** ins [A2022-1](#) s 15

### **Authorised people and identity cards**

s 22UB ins [A2022-1](#) s 15

### **Entry to premises**

s 22UC ins [A2022-1](#) s 15

### **Production of identity card**

s 22UD ins [A2022-1](#) s 15

### **Consent to entry**

s 22UE ins [A2022-1](#) s 15

### **General powers on entry to premises**

s 22UF ins [A2022-1](#) s 15

### **Disclosure of information**

s 22UG ins [A2022-1](#) s 15

### **Damage etc to be minimised**

s 22UH ins [A2022-1](#) s 15

### **Protection from liability**

s 22UI ins [A2022-1](#) s 15

### **Secure local jobs code registrar**

div 2B.5 hdg ins [A2018-41](#) s 4

### **Appointment of secure local jobs code registrar**

s 22V ins [A2018-41](#) s 4

### **Functions of registrar**

s 22W ins [A2018-41](#) s 4

**Ministerial directions to registrar**s 22X ins [A2018-41](#) s 4**Delegation by registrar**s 22Y ins [A2018-41](#) s 4**Secure local jobs code advisory council**div 2B.6 hdg ins [A2018-41](#) s 4**Establishment of council**s 22Z ins [A2018-41](#) s 4**Functions of council**s 22ZA ins [A2018-41](#) s 4am [A2024-2](#) s 27**Membership of council**s 22ZB ins [A2018-41](#) s 4am [A2022-4](#) amdt 1.35; [A2025-18](#) s 4**Procedures of council**s 22ZC ins [A2018-41](#) s 4**Review of pt 2B**s 22ZD ins [A2018-41](#) s 4**Interest on commercial accounts**

pt 3 hdg

**orig pt 3 hdg**sub [A2003-22](#) s 7om [A2024-2](#) s 28**pres pt 3 hdg**(prev pt 4 hdg) ins [A2003-22](#) s 7renum as pt 3 hdg [A2024-2](#) s 29**Preliminary**

div 3.1 hdg

ins [A2003-22](#) s 7om [A2024-2](#) s 28**Application—pt 3**

s 23

**orig s 23**sub [A2003-22](#) s 7; [A2007-11](#) s 20am [A2011-22](#) amdt 1.224om [A2024-2](#) s 28**pres s 23**(prev s 43) ins [A2003-22](#) s 7sub [A2007-11](#) s 31am [A2024-2](#) s 30, s 31renum as s 23 [A2024-2](#) s 32

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### Definitions—pt 3 s 24

#### orig s 24

sub [A2003-22](#) s 7

om [A2024-2](#) s 28

def **confidential text** ins [A2003-22](#) s 7

om [A2024-2](#) s 28

def **contract** ins [A2003-22](#) s 7

om [A2024-2](#) s 28

def **notifiable amendment** ins [A2003-22](#) s 7

om [A2024-2](#) s 28

def **notifiable contract** ins [A2003-22](#) s 7

om [A2024-2](#) s 28

def **notifiable contracts register** ins [A2003-22](#) s 7

om [A2024-2](#) s 28

def **public text** ins [A2003-22](#) s 7

om [A2024-2](#) s 28

def **responsible Territory entity** ins [A2003-22](#) s 7

om [A2024-2](#) s 28

#### pres s 24

(prev s 44) ins [A2003-22](#) s 7

am [A2024-2](#) s 33

renum as s 24 [A2024-2](#) s 36

def **commercial account** ins [A2003-22](#) s 7

am [A2024-2](#) s 34

def **payment date** ins [A2003-22](#) s 7

am [A2024-2](#) s 35

def **relevant date** ins [A2003-22](#) s 7

am [A2014-44](#) amdt 3.25, amdt 3.26

### Interest on unpaid accounts

s 25

#### orig s 25

sub [A2002-30](#) amdt 3.394; [A2003-22](#) s 7

am [A2007-11](#) ss 21-23

am [A2012-11](#) s 4, s 5

om [A2024-2](#) s 28

#### pres s 25

(prev s 45) ins [A2003-22](#) s 7

am [A2004-60](#) amdt 1.152; [A2007-11](#) s 32; [A2024-2](#) s 37

renum as s 25 [A2024-2](#) s 38



**Exclusion of inconsistent contractual terms**

s 26

**orig s 26**ins [A2003-22](#) s 7sub [A2007-11](#) s 24am [A2012-11](#) s 6, s 7om [A2024-2](#) s 28**pres s 26**(prev s 46) ins [A2003-22](#) s 7am [A2024-2](#) s 39, s 40renum as s 26 [A2024-2](#) s 41**Notifiable contracts register**

div 3.2 hdg

ins [A2003-22](#) s 7om [A2024-2](#) s 28**Availability of funds to pay interest**

s 27

**orig s 27**ins [A2003-22](#) s 7am [A2011-22](#) amdt 1.230om [A2024-2](#) s 28**pres s 27**(prev s 47) ins [A2003-22](#) s 7am [A2011-22](#) amdt 1.225renum as s 27 [A2024-2](#) s 42**Availability of notifiable contracts**

div 3.3 hdg

ins [A2003-22](#) s 7om [A2024-2](#) s 28**Confidential text**

div 3.4 hdg

ins [A2003-22](#) s 7om [A2024-2](#) s 28**Other matters**

div 3.5 hdg

ins [A2003-22](#) s 7om [A2024-2](#) s 28**Notifiable invoices**

pt 3A hdg

ins [A2015-14](#) s 4om [A2024-2](#) s 28**Preliminary—pt 3A**

div 3A.1 hdg

ins [A2015-14](#) s 4om [A2024-2](#) s 28**Notifiable invoices register**

div 3A.2 hdg

ins [A2015-14](#) s 4om [A2024-2](#) s 28

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#### **Other matters—notifiable invoices**

div 3A.3 hdg ins [A2015-14](#) s 4  
om [A2024-2](#) s 28

#### **Government procurement board**

pt 4 hdg **orig pt 4 hdg**  
renum as pt 3 hdg  
**pres pt 4 hdg**  
ins [A2024-2](#) s 43

#### **Government Procurement Board**

s 28 ins [A2003-22](#) s 7  
am [A2007-11](#) s 25; [A2011-22](#) amdt 1.230  
om [A2024-2](#) s 28  
ins [A2024-2](#) s 43

#### **Purpose and functions of board**

s 29 ins [A2003-22](#) s 7  
am [A2007-11](#) s 26; [A2011-22](#) amdt 1.230; [A2012-11](#) s 8  
om [A2024-2](#) s 28  
ins [A2024-2](#) s 43

#### **Recommendations of board**

s 30 ins [A2003-22](#) s 7  
am [A2011-22](#) amdt 1.230  
om [A2024-2](#) s 28  
ins [A2024-2](#) s 43

#### **Ministerial directions to board**

s 31 ins [A2003-22](#) s 7  
am [A2012-11](#) s 9  
om [A2024-2](#) s 28  
ins [A2024-2](#) s 43

#### **Constitution of board**

s 32 ins [A2003-22](#) s 7  
am [A2016-55](#) amdt 4.14  
om [A2024-2](#) s 28  
ins [A2024-2](#) s 43

#### **Board members—appointment**

s 33 ins [A2003-22](#) s 7  
om [A2024-2](#) s 28  
ins [A2024-2](#) s 43

#### **Board members—conditions of appointment**

s 34 ins [A2003-22](#) s 7  
om [A2024-2](#) s 28  
ins [A2024-2](#) s 43

**Board members—abuse of position**

s 35 ins [A2003-22](#) s 7  
 am [A2005-1](#) s 4, s 5; [A2007-11](#) s 27; [A2014-49](#) amdt 1.14,  
 amdt 1.15; [A2016-52](#) amdt 1.96  
 om [A2024-2](#) s 28  
 ins [A2024-2](#) s 43

**Board members—ending appointment**

s 36 ins [A2003-22](#) s 7  
 om [A2024-2](#) s 28  
 ins [A2024-2](#) s 43

**Notification and review of decisions**

pt 4A hdg renum as pt 5 hdg

**Notification and review of decisions**

pt 5 hdg **orig pt 5 hdg**  
 renum as pt 7 hdg  
**pres pt 5 hdg**  
 (prev pt 4A hdg) ins [A2018-41](#) s 5  
 renum as pt 5 hdg [A2024-2](#) s 44

**Meaning of reviewable decision—pt 5**

s 37 **orig s 37**  
 ins [A2003-22](#) s 7  
 om [A2024-2](#) s 28  
**pres s 37**  
 (prev s 48) ins [A2003-22](#) s 7  
 am [A2004-9](#) amdt 1.25; [A2007-11](#) s 33  
 om [A2015-16](#) amdt 1.18  
 ins [A2018-41](#) s 5  
 am [A2024-2](#) s 45  
 renum as s 37 [A2024-2](#) s 46

**Reviewable decision notices**

s 38 **orig s 38**  
 ins [A2003-22](#) s 7  
 sub [A2007-11](#) s 28  
 am [A2012-11](#) s 10  
 om [A2024-2](#) s 28  
**pres s 38**  
 (prev s 49) ins [A2003-22](#) s 7  
 om [A2007-11](#) s 34  
 ins [A2018-41](#) s 5  
 renum as s 38 [A2024-2](#) s 46

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#### **Applications for review**

s 39

##### **orig s 39**

sub [A2007-11](#) s 29

am [A2012-11](#) s 11; [A2022-4](#) amdt 1.36, amdt 1.37

om [A2024-2](#) s 28

##### **pres s 39**

(prev s 50) ins [A2003-22](#) s 7

om [A2007-11](#) s 35

ins [A2018-41](#) s 5

renum as s 39 [A2024-2](#) s 46

#### **Auditor-general's reporting obligations for contracts etc**

s 39A

ins [A2003-22](#) s 7

sub [A2007-11](#) s 29

am [A2012-11](#) s 12; [A2022-4](#) amdt 1.38, amdt 1.39

om [A2024-2](#) s 28

#### **Applications for review by complainant**

s 40

##### **orig s 40**

ins [A2003-22](#) s 7

om [A2024-2](#) s 28

##### **pres s 40**

(prev s 50A) ins [A2022-1](#) s 16

renum as s 40 [A2024-2](#) s 46

#### **Miscellaneous**

pt 7 hdg

(prev pt 5 hdg) ins [A2003-22](#) s 7

renum as pt 7 hdg [A2024-2](#) s 47

#### **Amounts inclusive of GST**

s 41

ins [A2003-22](#) s 7

am [A2014-49](#) amdt 1.16; [A2016-55](#) amdt 4.14

om [A2024-2](#) s 28

ins [A2024-2](#) s 48

#### **Government procurement rules**

s 42

ins [A2003-22](#) s 7

am [A2007-11](#) s 30; [A2012-11](#) s 13

om [A2024-2](#) s 28

ins [A2024-2](#) s 48

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

s 42A

ins [A2015-14](#) s 4

sub [A2017-40](#) s 4

om [A2024-2](#) s 28

#### **Keeping of *notifiable invoices register***

s 42B

ins [A2015-14](#) s 4

om [A2024-2](#) s 28

**Contents of notifiable invoices register**

s 42C ins [A2015-14](#) s 4  
om [A2024-2](#) s 28

**Public access to material on notifiable invoices register**

s 42D ins [A2015-14](#) s 4  
om [A2024-2](#) s 28

**Territory entities to provide material for notifiable invoices register**

s 42E ins [A2015-14](#) s 4  
om [A2024-2](#) s 28

**Notice of effect of part to parties issuing invoices**

s 42F ins [A2015-14](#) s 4  
om [A2024-2](#) s 28

**Effect of other disclosure laws etc**

s 42G ins [A2015-14](#) s 4  
am [A2016-55](#) amdt 4.14  
om [A2024-2](#) s 28

**No liability for complying with pt 3A**

s 42H ins [A2015-14](#) s 4  
om [A2024-2](#) s 28

**Government procurement practices**

s 43 **orig s 43**  
renum as s 23  
**pres s 43**  
ins [A2024-2](#) s 48

**Compliance with Act—annual reporting**

s 44 **orig s 44**  
renum as s 24  
**pres s 44**  
ins [A2024-2](#) s 48

**Regulation-making power**

s 45 **orig s 45**  
renum as s 25  
**pres s 45**  
ins [A2024-2](#) s 48

**Exclusion of inconsistent contractual terms**

s 46 renum as s 26

**Availability of funds to pay interest**

s 47 renum as s 27

**Meaning of *reviewable decision*—pt 4A**

s 48 renum as s 37

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### **Reviewable decision notices**

s 49                      renum as s 38

### **Applications for review**

s 50                      renum as s 39

### **Applications for review by complainant**

s 50A                    renum as s 40

### **Approved forms**

s 51                      ins [A2003-22](#) s 7  
                             am [A2014-44](#) amdt 3.27  
                             om [A2024-2](#) s 48

### **Regulation-making power**

s 52                      ins [A2003-22](#) s 7  
                             am [A2007-11](#) s 36  
                             om [A2024-2](#) s 48

### **Review of Act**

s 53                      ins [A2003-22](#) s 7  
                             exp 31 December 2006 (s 53 (3))

### **Transitional provisions**

pt 6 hdg                ins [A2003-22](#) s 7  
                             exp 1 July 2004 (s 59)

### **Government Contractual Debts (Interest) Act**

s 54                      ins [A2003-22](#) s 7  
                             exp 1 July 2004 (s 59)

### **Public Access to Government Contracts Act—general**

s 55                      ins [A2003-22](#) s 7  
                             exp 1 July 2004 (s 59)

### **Public Access to Government Contracts Act—reportable contracts**

s 56                      ins [A2003-22](#) s 7  
                             exp 1 July 2004 (s 59)

### **First report by auditor-general under this Act**

s 57                      ins [A2003-22](#) s 7  
                             exp 1 July 2004 (s 59)

### **Transitional regulations**

s 58                      ins [A2003-22](#) s 7  
                             exp 1 July 2004 (s 59)

### **Expiry of pt 6**

s 59                      ins [A2003-22](#) s 7  
                             exp 1 July 2004 (s 59)

**Transitional provisions**

pt 10 hdg ins [A2007-11](#) s 37  
om R12 LA

**Procurement guideline**

s 100 ins [A2007-11](#) s 37  
exp 1 October 2007 (s 100 (5) (LA s 88 declaration applies))

**Notifiable contracts**

s 101 ins [A2007-11](#) s 37  
exp 1 October 2008 (s 101 (4) (LA s 88 declaration applies))

**Transitional—Government Procurement (Secure Local Jobs) Amendment Act 2018**

pt 11 hdg ins [A2018-41](#) s 6  
exp 15 July 2021 (s 104)

**Meaning of *commencement day*—pt 11**

s 102 ins [A2018-41](#) s 6  
exp 15 July 2021 (s 104)

**Application—div 2B.2**

s 103 ins [A2018-41](#) s 6  
exp 15 July 2021 (s 104)

**Expiry—pt 11**

s 104 ins [A2018-41](#) s 6  
exp 15 July 2021 (s 104)

**Transitional—Government Procurement Amendment Act 2024**

pt 12 hdg ins [A2024-2](#) s 49  
exp 1 July 2026 (s 107)

**Instruments under pre-amendment Act and regulation**

s 105 ins [A2024-2](#) s 49  
exp 1 July 2026 (s 107)

**Transitional regulations**

s 106 ins [A2024-2](#) s 49  
exp 1 July 2026 (s 107)

**Expiry—pt 12**

s 107 ins [A2024-2](#) s 49  
exp 1 July 2026 (s 107)

**Model confidentiality clause**

sch 1 ins [A2003-22](#) s 8  
am [A2018-52](#) amdt 1.80; [A2024-2](#) ss 50-52

**Reviewable decisions**

sch 2 ins [A2018-41](#) s 7  
sub [A2022-1](#) s 17

## Endnotes

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### Dictionary

dict

am [A2002-30](#) amdt 3.395  
sub [A2003-22](#) s 9  
am [A2009-49](#) amdt 3.78; [A2011-22](#) amdt 1.226; [A2012-26](#)  
amdt 1.28; [A2013-41](#) amdt 1.24; [A2016-52](#) amdt 1.97;  
[A2018-41](#) s 8; [A2018-52](#) amdt 1.81; [A2024-2](#) s 53  
def **approved auditor** ins [A2018-41](#) s 9  
def **audit guidelines** ins [A2018-41](#) s 9  
def **authorised person** ins [A2022-1](#) s 18  
def **board** sub [A2003-22](#) s 9; [A2007-11](#) s 38  
am [A2024-2](#) s 54  
def **chairperson** sub [A2003-22](#) s 9; [A2007-11](#) s 38  
def **code** ins [A2018-41](#) s 9  
def **commercial account** ins [A2003-22](#) s 9  
sub [A2024-2](#) s 55  
def **complainant** ins [A2022-1](#) s 18  
def **confidential text** ins [A2003-22](#) s 9  
sub [A2024-2](#) s 55  
def **construction work** ins [A2024-2](#) s 56  
def **contract** ins [A2003-22](#) s 9  
sub [A2024-2](#) s 57  
def **council** ins [A2018-41](#) s 9  
def **department** ins [A2007-11](#) s 39  
om [A2011-22](#) amdt 1.227  
def **deputy chairperson** ins [A2007-11](#) s 39  
def **directorate** ins [A2011-22](#) amdt 1.228  
def **goods** ins [A2024-2](#) s 58  
def **goods or services** ins [A2024-2](#) s 58  
def **government procurement rules** ins [A2024-2](#) s 58  
def **government procurement practices** ins [A2024-2](#) s 58  
def **member** sub [A2003-22](#) s 9; [A2007-11](#) s 40  
def **notifiable amendment** ins [A2003-22](#) s 9  
om [A2024-2](#) s 59  
def **notifiable contract** ins [A2003-22](#) s 9  
sub [A2024-2](#) s 60  
def **notifiable contracts register** ins [A2003-22](#) s 9  
om [A2024-2](#) s 61  
def **notifiable invoice** ins [A2015-14](#) s 5  
sub [A2024-2](#) s 62  
def **notifiable invoices register** ins [A2015-14](#) s 5  
om [A2024-2](#) s 63  
def **occupier** ins [A2022-1](#) s 18  
def **payment date** ins [A2003-22](#) s 9  
sub [A2024-2](#) s 64  
def **premises** ins [A2022-1](#) s 18  
def **probity** ins [A2024-2](#) s 65



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def **procurement** ins [A2007-11](#) s 41  
     sub [A2024-2](#) s 66  
 def **procurement contract** ins [A2024-2](#) s 67  
 def **procurement guidelines** sub [A2003-22](#) s 9  
     om [A2007-11](#) s 42  
 def **public text** ins [A2003-22](#) s 9  
     om [A2024-2](#) s 68  
 def **register** ins [A2024-2](#) s 69  
 def **registrar** ins [A2018-41](#) s 9  
 def **relevant Assembly committee** ins [A2022-4](#) amdt 1.40  
 def **relevant date** ins [A2003-22](#) s 9  
     sub [A2024-2](#) s 70  
 def **responsible chief executive** sub [A2002-30](#) amdt 3.396  
     om [A2003-22](#) s 9  
 def **responsible chief executive officer** ins [A2007-11](#) s 43  
     sub [A2011-22](#) amdt 1.229  
     am [A2012-26](#) amdt 1.29; [A2013-41](#) amdt 1.25  
     sub [A2024-2](#) s 71  
 def **responsible Territory entity** ins [A2003-22](#) s 9  
     sub [A2024-2](#) s 71  
 def **reviewable decision** ins [A2018-41](#) s 9  
     sub [A2024-2](#) s 71  
 def **secure local jobs code** ins [A2018-41](#) s 9  
 def **secure local jobs code certificate** ins [A2018-41](#) s 9  
 def **secure local jobs code register** ins [A2018-41](#) s 9  
 def **standing-offer arrangement** ins [A2024-2](#) s 72  
 def **tenderer** ins [A2018-41](#) s 9  
     sub [A2024-2](#) s 73  
 def **Territory entity** sub [A2003-22](#) s 9  
     sub [A2024-2](#) s 73  
 def **territory-funded work** ins [A2018-41](#) s 9  
 def **value for money** ins [A2024-2](#) s 74  
 def **workplace standards** ins [A2018-41](#) s 9

## Endnotes

### 5 Earlier republishings

#### 5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 12 Sept 2001	24 May 2001– 16 Sept 2002	not amended	new Act
R2 10 Oct 2002	17 Sept 2002– 30 June 2003	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a>
R3* 1 July 2003	1 July 2003– 12 Apr 2004	<a href="#">A2003-22</a>	amendments by <a href="#">A2003-22</a>
R4 13 Apr 2004	13 Apr 2004– 1 July 2004	<a href="#">A2004-9</a>	amendments by <a href="#">A2004-9</a>
R5 2 July 2004	2 July 2004– 9 Jan 2005	<a href="#">A2004-9</a>	commenced expiry
R6 10 Jan 2005	10 Jan 2005– 22 Feb 2005	<a href="#">A2004-60</a>	amendments by <a href="#">A2004-60</a>
R7 23 Feb 2005	23 Feb 2005– 31 Dec 2006	<a href="#">A2005-1</a>	amendments by <a href="#">A2005-1</a>
R8 1 Jan 2007	1 Jan 2007– 30 Sept 2007	<a href="#">A2005-1</a>	commenced expiry
R9 1 Oct 2007	1 Oct 2007– 1 Oct 2007	<a href="#">A2007-11</a>	amendments by <a href="#">A2007-11</a>
R10 2 Oct 2007	2 Oct 2007– 25 Aug 2008	<a href="#">A2007-11</a>	commenced expiry
R11 26 Aug 2008	26 Aug 2008– 1 Oct 2008	<a href="#">A2008-28</a>	amendments by <a href="#">A2008-28</a>
R12 2 Oct 2008	2 Oct 2008– 16 Dec 2009	<a href="#">A2008-28</a>	commenced expiry

Republication No and date	Effective	Last amendment made by	Republication for
R13 17 Dec 2009	17 Dec 2009– 31 Dec 2010	<a href="#">A2009-49</a>	amendments by <a href="#">A2009-49</a>
R14 1 Jan 2011	1 Jan 2011– 30 June 2011	<a href="#">A2010-54</a>	amendments by <a href="#">A2010-54</a>
R15 1 July 2011	1 July 2011– 4 Apr 2012	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R16 5 Apr 2012	5 Apr 2012– 30 June 2012	<a href="#">A2012-11</a>	amendments by <a href="#">A2012-11</a>
R17 1 July 2012	1 July 2012– 30 June 2014	<a href="#">A2012-26</a>	amendments by <a href="#">A2012-26</a>
R18 1 July 2014	1 July 2014– 16 Nov 2014	<a href="#">A2013-41</a>	amendments by <a href="#">A2013-41</a>
R19 17 Nov 2014	17 Nov 2014– 18 Nov 2014	<a href="#">A2014-49</a>	amendments by <a href="#">A2014-49</a>
R20 19 Nov 2014	19 Nov 2014– 2 June 2015	<a href="#">A2014-49</a>	amendments by <a href="#">A2014-44</a>
R21 3 June 2015	3 June 2015– 30 June 2015	<a href="#">A2015-16</a>	amendments by <a href="#">A2015-16</a>
R22 1 July 2015	1 July 2015– 30 June 2016	<a href="#">A2015-16</a>	amendments by <a href="#">A2015-14</a>
R23 1 July 2016	1 July 2016– 31 Aug 2016	<a href="#">A2015-16</a>	updated commencement by <a href="#">CN2016-12</a>
R24 1 Sept 2016	1 Sept 2016– 30 June 2017	<a href="#">A2016-52</a>	amendments by <a href="#">A2016-52</a>
R25 1 July 2017	1 July 2017– 31 Dec 2017	<a href="#">A2016-52</a>	amendments by <a href="#">A2015-14</a>
R26 1 Jan 2018	1 Jan 2018– 30 June 2018	<a href="#">A2017-14</a>	amendments by <a href="#">A2016-55</a> as amended by <a href="#">A2017-14</a>
R27 1 July 2018	1 July 2018– 14 Jan 2019	<a href="#">A2017-40</a>	amendments by <a href="#">A2017-40</a>

## Endnotes

### 6 Expired transitional or validating provisions

Republication No and date	Effective	Last amendment made by	Republication for
R28 15 Jan 2019	15 Jan 2019– 30 June 2019	<a href="#">A2018-41</a>	amendments by <a href="#">A2018-41</a>
R29 1 July 2019	1 July 2019– 6 Nov 2019	<a href="#">A2019-18</a>	amendments by <a href="#">A2018-52</a> as amended by <a href="#">A2019-18</a>
R30 7 Nov 2019	7 Nov 2019– 15 July 2021	<a href="#">A2019-18</a>	amendments by <a href="#">A2018-41</a>
R31 16 July 2021	16 July 2021– 28 Feb 2022	<a href="#">A2019-18</a>	expiry of transitional provisions (pt 11)
R32 1 Mar 2022	1 Mar 2022– 5 Apr 2022	<a href="#">A2022-1</a>	amendments by <a href="#">A2022-1</a>
R33 6 Apr 2022	6 Apr 2022– 26 Nov 2023	<a href="#">A2022-4</a>	amendments by <a href="#">A2022-4</a>
R34 27 Nov 2023	27 Nov 2023– 30 June 2024	<a href="#">A2023-36</a>	amendments by <a href="#">A2023-36</a>
R35 1 July 2024	1 July 2024– 8 July 2025	<a href="#">A2024-2</a>	amendments by <a href="#">A2024-2</a>

## 6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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