



Australian Capital Territory

Government Procurement (Transparency in Spending) Amendment Act 2015

A2015-14

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Australian Capital Territory

Government Procurement (Transparency in Spending) Amendment Act 2015

A2015-14

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

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

Part 1 Preliminary

1 Name of Act

This Act is the *Government Procurement (Transparency in Spending) Amendment Act 2015*.

2 Commencement

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

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

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

(a) 1 July 2016; or

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

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

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

3 Legislation amended

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

Part 2 Government Procurement Act 2001

4 New part 3A

insert

Part 3A Notifiable invoices

Division 3A.1 Preliminary—pt 3A

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

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

Division 3A.2 Notifiable invoices register

42B Keeping of *notifiable invoices register*

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

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

- (2) The register must be kept electronically.

Example—how register may be kept

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

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

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

42C Contents of notifiable invoices register

- (1) The notifiable invoice register must include the following for each notifiable invoice:
- (a) the name of the entity invoicing the Territory;
 - (b) if the entity invoicing the Territory has an ABN—the ABN;
 - (c) the name of the responsible Territory entity for the invoice;
 - (d) a brief description of what the invoice is for;
 - (e) the date the invoice was received;
 - (f) the date the invoice was paid;
 - (g) the value of the good, service or work charged for under the invoice;
 - (h) anything else prescribed by regulation.
- (2) The register may include anything else the director-general considers appropriate.

42D Public access to material on notifiable invoices register

- (1) The director-general must ensure, as far as practicable, that a copy of the information mentioned in section 42C (1) for a notifiable invoice is accessible on a website approved by the director-general—
 - (a) at all times; and
 - (b) for at least 2 years.
- (2) Access must be provided without charge by the Territory.

42E Territory entities to provide material for notifiable invoice register

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

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

Division 3A.3 Other matters—notifiable invoices**42F Notice of effect of part 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, service or work for which an invoice is to be raised.

42G Effect of other disclosure laws etc

This part does not—

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

- (b) prevent responsible Territory entities from making available information about, or the text of, 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 1989* and the *Territory Records Act 2002* provide for access to documents subject to certain exemptions.

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

42H No liability for complying with pt 3A

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

5 Dictionary, new definitions

insert

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

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

Part 3 **Government Procurement
Regulation 2007**

6 **New section 12C**

insert

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

The prescribed amount is \$25 000.

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 20 May 2015.

3 Republications of amended laws

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

I certify that the above is a true copy of the Government Procurement (Transparency in Spending) Amendment Bill 2015, which originated in the Legislative Assembly as the Government Procurement (Transparency in Spending) Amendment Bill 2014 and was passed by the Assembly on 6 May 2015.

Clerk of the Legislative Assembly

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