

2011

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Treasurer)

# Government Procurement Amendment Bill 2011

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# Government Procurement Amendment Bill 2011

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## A Bill for

An Act to amend the *Government Procurement Act 2001*

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

1 **1 Name of Act**

2 This Act is the *Government Procurement Amendment Act 2011*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

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

9 **4 What is a *notifiable contract***  
10 **Section 25 (2) (a), except note**

11 *substitute*

12 (a) a contract with a total consideration, or estimated total  
13 consideration, that is less than the prescribed amount;

14 **5 Section 25 (2), example, except note**

15 *substitute*

16 **Example—par (a)**

17 The total consideration for a contract for the purchase of swings by the Territory  
18 is \$23 500. The contract is later amended to increase the total consideration to  
19 \$27 500. If for example, a regulation prescribes an amount of \$25 000 for par (a),  
20 the contract, as later amended, would be a notifiable contract.

21 **6 Meaning of *notifiable amendment***  
22 **Section 26 (a) (ii)**

23 *substitute*

24 (ii) the prescribed amount; or

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**7 Section 26, example, except note**

*substitute*

**Example**

The consideration for a contract between the Territory and Acme Pty Ltd for the supply of road runner retention devices is \$240 000.

If, for example, a regulation prescribes an amount of \$25 000 for par (a) (ii), the minimum value for notification of an amendment, or a series of amendments, of the contract is \$25 000 because this amount, under par (a), is greater than 10% of the value of the contract. The contract is amended on 1 January, 1 March and 1 June.

The 1st and 2nd amendments are for \$23 500 each. While neither amendment is separately notifiable, the total of the 2 amendments is \$47 000 and after the 2nd amendment (ie 1 March) each of them becomes a notifiable amendment. When the 2 amendments are notified on the register, the 2 amendments cannot be counted towards any other notifiable amendment. They increase the total consideration for the contract to \$287 000.

The 3rd amendment is for \$27 000. It is not a notifiable amendment because, even though it is more than \$25 000, it is less than 10% of the total consideration for the contract as amended by all previous notifiable amendments, ie \$28 700.

**8 Public access to material on register  
Section 29 (1) (b)**

*omit*

expires

*substitute*

ends

1 **9 Public text of contracts to be made available**  
2 **Section 31 (3)**

3 *omit*  
4 when  
5 *substitute*  
6 2 years after the day

7 **10 Contracts and information to be given to auditor-general**  
8 **New section 38 (2)**

9 *insert*  
10 (2) In this section:  
11 *confidential text* includes text that purports to be confidential text.  
12 *reportable contract* means a notifiable contract that contains  
13 confidential text.

14 **11 Responsible territory entity's reporting obligations for**  
15 **contracts etc**  
16 **Section 39 (6), definitions of *confidential text*, *reportable***  
17 ***contract* and *reporting period***

18 *substitute*  
19 *confidential text*—see section 38 (2).  
20 *reportable contract*—see section 38 (2).  
21 *reporting period* means a 12-month period ending on 31 March.

1 **12 Auditor-general's reporting obligations for contracts etc**  
2 **Section 39A (3), definition of *confidential text***

3 *substitute*

4 *confidential text*—see section 38 (2).

5 **13 No liability for complying with pt 3**  
6 **Section 42 (2), definition of *reportable contract***

7 *substitute*

8 *reportable contract*—see section 38 (2) (Contracts and information  
9 to be given to auditor-general).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 8 December 2011.

**2 Notification**

Notified under the Legislation Act on \_\_\_\_\_ 2011.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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