

2004

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

GOVERNMENT PROCUREMENT AMENDMENT BILL 2004

EXPLANATORY STATEMENT

Circulated by the authority of the Treasurer

Ted Quinlan MLA

Government Procurement Amendment Bill 2004

Overview of Bill

The *Government Procurement Amendment Bill 2004* is a Bill that strengthens the provisions of the *Government Procurement Act 2001* (the GPA) to prevent public disclosure of information that could potentially undermine public safety and the security of important public infrastructure, buildings and other public facilities. This may include such Capital Works projects as the ACT Prison and Woden Police Station.

The Bill achieves these objectives by amending the GPA to prevent the disclosure of information, the release of which may endanger public safety and the security of important and major public infrastructure.

The Bill also provides a regulation making power for the Minister to make regulations to provide exemptions to prevent disclosure of other information which may require protection in the future.

Compliance with Human Rights Act 2004

The *Government Procurement Amendment Bill 2004* will not adversely impact upon the rights of individuals and as such has been awarded a Compatibility Statement under section 37 of the *Human Rights Act 2004*.

Details of the Government Procurement Amendment Bill 2004

Outline

The object of this Act is to amend the *Government Procurement Act 2001*.

Formal Sections

Section 1 – Name of Act – states the name of the Act as the *Government Procurement Amendment Act 2004*.

Section 2 – Commencement – states that the Act commences on the day after its notification.

Section 3 – Legislation amended – states that the piece of legislation that this Act amends is the *Government Procurement Act 2001*.

Section 4 – New sub-sections 35 (1)(a)(v) and (vi) – this new section expands the nature of confidential text and data which may be excluded from the Notifiable Contracts Register to include plans, drawings and specifications where the disclosure of such information may compromise public safety or the security of important Territory infrastructure, buildings and facilities.

Provision is also made for the Minister to make regulations to prescribe other information which may be protected from public disclosure.

Section 5 – Section 35(1), examples for par (a) – The examples included in this section illustrates the nature of information which may be excluded from the Notifiable Contracts Register, and the type of public facility or infrastructure where disclosure of this information may place public safety and security of such facilities and infrastructure at risk.