

State Supply Commission Regulations 1991

STATUS OF THIS DOCUMENT

This document is from an electronic database of legislation maintained by the Parliamentary Counsel's Office of Western Australia.

DISCLAIMER

As this version has not been officially certified —

- (a) no warranty is given that it is free from error or omission nor as to the accuracy of any information in it; and
- (b) the State of Western Australia and its servants expressly disclaim liability for any act or omission done in reliance on the document or for any consequences of any such act or omission.

COPYRIGHT

Copyright in this document is reserved to the Crown in right of the State of Western Australia. Reproduction except in accordance with copyright law with the consent of the Attorney General is prohibited.

THE TEXT OF THE LEGISLATION FOLLOWS

State Supply Commission Regulations 1991

CONTENTS

1.	Citation	1
1A.	Interpretation	1
2.	Public authorities that are totally exempt from section 19(1)	1
3.	Partial exemptions	2
4.	Review of partial exemptions	2
5.	Consequences of non-compliance with supply policies	3
	Schedule 1	4
	Notes	
	Compilation table	5

State Supply Commission Regulations 1991

1. Citation

These regulations may be cited as the *State Supply Commission Regulations 1991*¹.

1A. Interpretation

In these regulations —

“**accountable officer**” of a public authority means the chief executive officer or other officer of that public authority appointed as such under section 52 of the *Financial Administration and Audit Act 1985*;

“**partial exemption**” means a partial exemption from section 19(1) of the Act.

[Regulation 1A inserted in Gazette 9 Feb 1996 p. 500; amended in Gazette 7 May 2002 p. 2318.]

2. Public authorities that are totally exempt from section 19(1)

The public authorities listed in Schedule 1 are public authorities which for the purpose of section 20 of the Act are totally exempt from section 19(1) of the Act.

3. Partial exemptions

- (1) The Commission must receive from a public authority a written request for the authority to be granted a partial exemption before the Commission grants the authority a partial exemption.
- (2) When deciding whether to grant a partial exemption, the extent of a prospective partial exemption, or the conditions on which or the period of time for which a partial exemption will be granted, the Commission shall have regard to —
 - (a) the public authority's level of competence in relation to arranging and coordinating the supply of goods and services necessary for the operation of the authority; and
 - (b) the public authority's risk management practices.
- (3) A public authority that is granted a partial exemption shall manage the supply of goods and services in accordance with the terms and conditions of the exemption.

[Regulation 3 inserted in Gazette 7 May 2002 p. 2318.]

4. Review of partial exemptions

- (1) Subject to subregulation (2), the Commission shall review a partial exemption granted to a public authority as provided in the terms and conditions of the exemption.
- (2) The Commission may, at any time, review a partial exemption granted to a public authority if the Commission is of the opinion that a review is required.
- (3) When reviewing a partial exemption granted to a public authority, the Commission shall have regard to the level of the authority's compliance with —
 - (a) supply policies;
 - (b) directions supplementing supply policies; and
 - (c) the terms and conditions of the exemption.

[Regulation 4 inserted in Gazette 7 May 2002 p. 2319.]

5. Consequences of non-compliance with supply policies

Where the Commission is of the opinion that a public authority is not complying with a supply policy or a direction supplementing a supply policy the Commission may, in addition to any action which may be taken under any other enactment, take one or more of the following actions —

- (a) give to the public authority notice in writing specifying the manner in which the public authority is failing to comply and —
 - (i) detailing the measures to be taken by the public authority to comply with the policy or direction; and
 - (ii) specifying the period within which the measures referred to in subparagraph (i) are to be taken;
- (b) require an accountable officer of the public authority to attend at a meeting of the Commission to answer questions or give information relating to the supply procedures of the public authority;
- (c) appoint an officer, employee or representative of the Commission to supervise and advise the public authority on its supply procedures and require the public authority to reimburse the Commission for the costs of providing the services of that officer, employee or representative;
- (d) publish in the annual report submitted by the accountable authority of the Commission under section 66 of the *Financial Administration and Audit Act 1985* the name of the public authority and the manner in which that public authority has failed to comply;
- (e) recommend to the Minister that the exemption of the public authority under section 20 of the Act be cancelled.

[Regulation 5 inserted in Gazette 9 Feb 1996 p. 500-1.]

Schedule 1

[Regulation 2]

Public authorities

Commissioner of Main Roads appointed under the *Main Roads Act 1930*.

Metropolitan (Perth) Passenger Transport Trust constituted under the
Metropolitan (Perth) Passenger Transport Trust Act 1957.

R & I Holdings continued under the *R & I Bank Act 1990* ².

Insurance Commission of Western Australia established under the *Insurance
Commission of Western Australia Act 1986* ³.

Totalisator Agency Board constituted under the *Totalisator Agency Board
Betting Act 1960*.

Water Authority of Western Australia constituted under the *Water Authority
Act 1984* ⁴.

Western Australian Fire Brigades Board constituted under section 6 of the *Fire
Brigades Act 1942* ⁵.

Western Australian Government Railways Commission constituted under the
Government Railways Act 1904.

*[Schedule 1 inserted in Gazette 30 Jul 1993 p. 4165; amended in
Gazette 9 Feb 1996 p. 501; 14 Nov 2000 p. 6253.]*

Notes

- ¹ This is a compilation of the *State Supply Commission Regulations 1991*. The following table contains information about those Regulations.

Compilation table

Citation	Gazettal	Commencement
<i>State Supply Commission Regulations 1991</i>	13 Mar 1992 p. 1206-7	13 Mar 1992
<i>State Supply Commission Amendment Regulations 1993</i>	30 Jul 1993 p. 4164-5	30 Jul 1993
<i>State Supply Commission Amendment Regulations 1995</i>	9 Feb 1996 p. 500-1	9 Feb 1996
<i>State Supply Commission Amendment Regulations 2000</i>	14 Nov 2000 p. 6253	14 Nov 2000
<i>State Supply Commission Amendment Regulations 2002</i>	7 May 2002 p. 2317-19	7 May 2002
Reprint of the <i>State Supply Commission Regulations 1991</i> as at 11 Oct 2002 (includes amendments listed above)		

- ² R & I Holdings no longer exists. The *R & I Bank Act 1990* (the short title of which was changed to the *Bank of Western Australia Act 1990* by the *R & I Bank Amendment Act 1994* s. 5 then to the *R & I Holdings Act 1990* by the *Bank of Western Australia Act 1995* Sch. 1 cl. 2) was repealed under s. 22 of the *R & I Holdings Act 1990*, see Proclamation published in *Gazette* on 26 June 2001 p. 3063.
- ³ Formerly referred to the State Government Insurance Commission established under the *State Government Insurance Commission Act 1986*. The name of the Commission was changed to the Insurance Commission of Western Australia and the short title of the Act was changed to the *Insurance Commission of Western Australia Act 1986* by the *Acts Amendment (ICWA) Act 1996* s. 5 and 8. The reference to the Commission and to the Act were changed under the *Reprints Act 1984* s. 7(3)(gb) and (h).
- ⁴ Under the *Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995* certain references to the Water Authority have effect, after the day on which Part 2 of that Act came into operation, as references to the Water and Rivers Commission, the Coordinator of Water Services, or the Water Corporation, as the case requires.
- ⁵ The Western Australian Fire Brigades Board no longer exists. Section 6 of the *Fire Brigades Act 1942* was repealed by the *Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998* s. 19. The Board was replaced by the Fire and Emergency Services Authority of Western

Australia established under the *Fire and Emergency Services Authority of Western Australia Act 1998* s. 4.