



Western Australia

## **State Supply Commission Regulations 1991**

Compare between:

[06 May 2015, 02-b0-03] and [19 Jun 2020, 02-c0-00]



## State Supply Commission Regulations 1991

### 1. Citation

These regulations may be cited as the *State Supply Commission Regulations 1991*<sup>+</sup>.

### 1A. Terms used

In these regulations —

***accountable authority***, of a public authority, means the accountable authority of the public authority under the *Financial Management Act 2006*;

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

[Regulation 1A inserted: Gazette 9 Feb 1996 p. 500; amended: Gazette 7 May 2002 p. 2318; 5 May 2015 p. 1598.]

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

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: 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; and
  - (b) directions supplementing supply policies; and
  - (c) the terms and conditions of the exemption.

*[Regulation 4 inserted: 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 the accountable authority 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 the *Financial Management Act 2006* Part 5 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: Gazette 9 Feb 1996 p. 500-1; amended: Gazette 5 May 2015 p. 1598.]

## **Schedule 1 — Public authorities**

[r. 2]

*[Heading inserted: Gazette 5 May 2015 p. 1599.]*

Commissioner of Main Roads appointed under the *Main Roads Act 1930* section 7.

Insurance Commission of Western Australia continued by the *Insurance Commission of Western Australia Act 1986*<sup>1</sup> section 4.

Public Transport Authority of Western Australia established by the *Public Transport Authority Act 2003* section 5.

*[Schedule 1 inserted: Gazette 5 May 2015 p. 1599.]*

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## Notes

<sup>1</sup>—This is a compilation of the *State Supply Commission Regulations 1991* and includes ~~the~~ amendments made by ~~the~~ other written laws ~~referred to in the following table. The table also contains.~~ [For provisions that have come into operation, and for information about any reprintreprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.](#)

## Compilation table

Citation	<del>Gazetta</del> <a href="#">Publi</a> <a href="#">shed</a>	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
<b>Reprint of the <i>State Supply Commission Regulations 1991</i> as at 11 Oct 2002</b> (includes amendments listed above)		
<i>State Supply Commission Amendment Regulations 2012</i>	12 Jul 2013 p. 3227	r. 1 and 2: 12 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Jul 2013 (see r. 2(b))
<i>State Supply Commission Amendment Regulations 2013</i>	14 Nov 2013 p. 5075	r. 1 and 2: 14 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2013 (see r. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5027)
<b>Reprint 2: The <i>State Supply Commission Regulations 1991</i> as at 23 Jan 2015</b> (includes amendments listed above)		
<i>State Supply Commission Amendment Regulations 2015</i>	5 May 2015 p. 1598-9	r. 1 and 2: 5 May 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 6 May 2015 (see r. 2(b))

<sup>2</sup>—~~The *Financial Administration and Audit Act 1985* was repealed by the *Financial Legislation Amendment and Repeal Act 2006* s. 3.~~

<sup>3</sup>—~~The Metropolitan (Perth) Passenger Transport Trust Act 1957 was repealed by the Public Transport Authority Act 2003 s. 156.~~

<sup>4</sup>—~~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.~~

### <sup>5</sup>Uncommenced provisions table

[To view the text of the uncommenced provisions see Acts as passed on the WA Legislation website.](#)

<u>Citation</u>	<u>Published</u>	<u>Commencement</u>
<a href="#">Procurement Act 2020 s. 42 assented to 19 Jun 2020</a>		<a href="#">1 Jun 2021 (see s. 2(b) and SL 2020/244 cl. 2(b))</a>

### Other notes

<sup>1</sup> 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).

<sup>6</sup>—~~The Totalisator Agency Board Betting Act 1960 was repealed by the Racing and Gambling Legislation Amendment and Repeal Act 2003 s. 32.~~

<sup>7</sup>—~~Formerly referred to the Water Corporation Act 1995, the short title of which was changed to the Water Corporations Act 1995 by the Water Services Legislation Amendment and Repeal Act 2012 s. 112. The reference was changed under the Reprints Act 1984 s. 7(3)(gb).~~