
LOCAL GOVERNMENT

LG301*

Local Government Act 1995

**Local Government (Functions and General)
Amendment Regulations 2001**

Made by the Lieutenant-Governor and deputy of the Governor in
Executive Council.

1. Citation

These regulations may be cited as the *Local Government
(Functions and General) Amendment Regulations 2001*.

2. The regulations amended

The amendments in these regulations are to the *Local
Government (Functions and General) Regulations 1996**.

[* Reprinted as at 8 September 2000.]

3. Regulation 11 amended

Regulation 11(2)(c)(i) is amended by deleting “was thought to be satisfactory” and inserting instead —

“ met the tender specifications ”.

4. Regulation 14 amended

- (1) Regulation 14(2) is amended by deleting “local government” in both places where it occurs and inserting instead —

“ CEO ”.

- (2) After regulation 14(2) the following subregulation is inserted —

“

- (2a) If a local government —

- (a) is required to invite a tender; or
- (b) not being required to invite a tender, decides to invite a tender,

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

”.

- (3) After regulation 14(3) the following subregulations are inserted —

“

- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —

- (a) such information as the local government decides should be disclosed to those interested in submitting a tender;
- (b) detailed specifications of the goods or services required;
- (c) the criteria for deciding which tender should be accepted;
- (d) whether or not the local government has decided to submit a tender; and
- (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

”.

5. Regulation 16 amended

- (1) Regulation 16(1) is amended by inserting after “any tender submitted” —
- “
- including a tender submitted by facsimile or other electronic means
- ”.
- (2) Regulation 16(2) is amended by inserting after “opened” —
- “ , examined, or assessed ”.
- (3) Regulation 16(3) is amended as follows:
- (a) by inserting after “are opened” —
- “ , examined, or assessed ”;
- (b) in paragraph (a), by inserting after “local government” —
- “
- or one person authorised by the CEO to open tenders and, if practicable, one or more other persons,
- ”;
- (c) in paragraph (c), by inserting after “the tenders” where it first occurs —
- “
- (other than the consideration sought in the tender)
- ”.

6. Regulation 17 amended

- (1) Regulation 17(2)(e) is amended by deleting “and the amount of the consideration sought in the tender”.
- (2) After regulation 17(2) the following subregulation is inserted —
- “
- (3) The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.
- ”.

7. Regulation 18 amended

- (1) Regulation 18(3) is amended by deleting “local government” and inserting instead —
- “ CEO ”.

- (2) Regulation 18(4) is amended by deleting “considered by the local government” and inserting instead —
- “
- assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept
- ”.
- (3) After regulation 18(4) the following subregulation is inserted —
- “
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- ”.
- (4) After regulation 18(5) the following subregulations are inserted —
- “
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- ”.

8. Regulation 19 amended

Regulation 19 is amended by deleting “local government” and inserting instead —

“ CEO ”.

9. Regulation 23 amended

Regulation 23(4) is amended by deleting “local government” and inserting instead —

“ CEO ”.

10. Regulation 24 amended

Regulation 24 is amended as follows:

- (a) by deleting “local government” and inserting instead —
“ CEO ”;
- (b) in paragraph (a) by deleting “it has listed” and inserting instead —
“ the CEO has listed under regulation 23(4) ”;
- (c) in paragraph (b) by deleting “it” where it first occurs and inserting instead —
“ the local government ”.

11. Transitional

If a tender is invited under regulation 11, 12, or 13 of the *Local Government (Functions and General) Regulations 1996* before the commencement of these regulations, tenders submitted as a result of that invitation are to be dealt with as if these regulations had not come into operation.

By Command of the Lieutenant-Governor and deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.