

NORTHERN TERRITORY OF AUSTRALIA  
AMENDMENTS OF TREASURY REGULATIONS  
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NORTHERN TERRITORY OF AUSTRALIA

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Regulations 1994, No. 20\*

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Regulations under the *Financial Administration  
and Audit Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Financial Administration and Audit Act*.

Dated 30 June 1994.

K.J.A. ASCHE  
Administrator

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AMENDMENTS OF TREASURY REGULATIONS

1. DEFINITIONS

Regulation 2 of the Treasury Regulations is amended by omitting the definitions of "public quotation", "quotation", "supplies" and "Tender Board" and substituting the following:

"'Procurement Review Board' means a Procurement Review Board established under regulation 10A;

'public tender' means a tender submitted as the result of an advertisement placed in a daily or weekly newspaper inviting the submission of tenders;

'supplies' means a requirement of the Territory, including goods, services, works, stores and consultancies, provided or to be provided to the Territory;

'tender' means an offer to provide supplies at a stated or calculated price;".

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\* Notified in the *Northern Territory Government Gazette* on 1 July 1994.

Treasury Regulations

2. HEADING TO PART III

The Heading to Part III of the Treasury Regulations is amended by omitting "CONTRACTS" and substituting "PROCUREMENT".

3. REQUISITIONS FOR SUPPLIES

Regulation 8 of the Treasury Regulations is amended -

(a) by omitting subregulation (1) and substituting the following:

"(1) A person shall requisition supplies for the Territory on a form approved by the accountable officer."; and

(b) by omitting from subregulation (3) "of those supplies under an existing contract" and substituting "of funds sufficient to procure the supplies specified in the requisition."

4. TENDERS REQUIRED IN CERTAIN CIRCUMSTANCES

Regulation 9 of the Treasury Regulations is amended by omitting subregulation (3) and substituting the following:

"(3) The accountable officer -

(a) may, where the amount to be expended in a order for supplies is not more than \$5,000, invite oral tenders; or

(b) shall, where the amount to be expended in a order for supplies is more than \$5,000, obtain written tenders,

for the purposes of subregulation (1)."

5. REPEAL AND SUBSTITUTION

Regulation 10A of the Treasury Regulations is repealed and the following substituted:

"10A. PROCUREMENT REVIEW BOARD

"(1) The Treasurer may, by instrument in writing, establish a Procurement Review Board or such number of Procurement Review Boards as the Treasurer thinks fit.

"(2) The Treasurer shall appoint not less than 3 persons to be members of a Procurement Review Board.

"(3) The Treasurer may appoint a member to be the Chairman of a Procurement Review Board.

## Treasury Regulations

"(4) An appointment under subregulation (2) or (3) may be by reference to a particular statutory office or a designation under the *Public Sector Employment and Management Act* and, where such an appointment is made, a person holding for the time being or from time to time that office or designation or a person performing the duties of that office or designation shall be the member or the Chairman, as the case may be, accordingly.

"(5) An appointment -

- (a) under subregulation (2) may allow the member to nominate another person, being a person of a class that is specified in the instrument of appointment, to be a member in the place of the member; or
- (b) under subregulation (3) may allow the Chairman to nominate another person, being a person of a class that is specified in the Chairman's instrument of appointment, to be the Chairman in the place of the Chairman,

and a person so nominated shall be the member or the Chairman, as the case may be, accordingly, for the period for which the person was nominated.

"(6) At a meeting of a Procurement Review Board 3 members shall constitute a quorum.

"(7) Except to the extent specified in an instrument of appointment under subregulation (2) or (3), the procedures of the Procurement Review Board shall be as determined by the Chairman.

"(8) The functions of a Procurement Review Board are -

- (a) to review all requests for the calling of public tenders for the provision of supplies to a value of more than \$50,000;
- (b) to review all tenders and public tender recommendations referred to it;
- (c) to review all requests for exemption from the requirement to publicly advertise for tenders for the provision of supplies to a value of more than \$50,000;
- (d) to review all recommendations for prequalifying and preselecting suppliers;

## Treasury Regulations

- (e) to consider and, where it thinks appropriate or as directed by the Treasurer, give its approval for the acceptance of tenders referred to in regulation 10(2) and (2A);
- (f) to approve invitations to suppliers outside the Territory to submit tenders or to approve the advertising of public tenders outside the Territory;
- (g) to approve the obtaining of supplies under an existing contract between a supplier and the Commonwealth, a State or another Territory of the Commonwealth; and
- (h) such other functions as are conferred on it by the Treasurer.

"(9) A Procurement Review Board has such powers as are necessary to enable it to carry out its functions."

### 6. CERTIFICATE OF EXEMPTION FROM INVITING TENDERS

Regulation 12(1) of the Tender Regulations is amended -

- (a) by omitting "\$3,000" and substituting "\$10,000";
- (b) by omitting from paragraph (a) "or a person authorized by the accountable officer for that purpose";
- (c) by omitting from paragraph (b) "or a person authorized by the Treasurer for that purpose";
- (d) by omitting ", Treasurer or that authorized person" and substituting "or Treasurer"; and
- (e) by omitting "quotations" (wherever occurring) and substituting "tenders".

### 7. REPEAL AND SUBSTITUTION

Regulation 13 of the Treasury Regulations is repealed and the following substituted:

#### "13. ORDERS

"An order for supplies shall -

- (a) be in the form approved by the accountable officer;
- (b) be signed by the accountable officer; and
- (c) contain details of the supplies specified in the requisition made under regulation 8."

Treasury Regulations

8. FURTHER AMENDMENTS

The Treasury Regulations are further amended as set out in the Schedule.

SCHEDULE

Regulation 8

Regulation	Amendment	
	omit	substitute
Regulation 9(1)	"\$500"	"\$1000"
	"\$3,000"	"\$10,000"
	"quotations"	"tenders"
	"representative"	
Regulation 9(2)	"or a person authorized by him to approve a requisition under regulation 8(2)"	
	"quotations" (wherever occurring)	"tenders"
	"on his departmental papers"	
Regulation 9(4)	"in his departmental papers"	
	"person"	"supplier"
	"quotation" (wherever occurring)	"tender"
Regulation 9(5)	"Tender Board"	
	"for a consideration of more than \$3,000"	
	"quotation"	"tender"
Regulation 10(1)	"\$3,000"	"\$10,000"
	"quotations"	"tenders"
	"is obtained"	"is obtained under regulation 12"

Treasury Regulations

Regulation 10(2)	"quotation" "a Tender Board"	"tender" "the relevant Procurement Review Board"
Regulation 10(2A)	"quotation" "\$3,000, but not more than \$50,000," "Tender Board"	"tender" "\$10,000" "Procurement Review Board"
Regulation 10(3)	"quotation" (twice occurring) "\$3,000" "Tender Board"	"tender" "\$10,000" "Procurement Review Board"
Regulation 11(2)	"Tender Board"	"Procurement Review Board"
Regulation 14(1)	"\$3,000"	"\$5,000"
Regulation 14(3)	"quotation"	"tender"

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