

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1988, No. 2*

Regulations under the *Financial Administration
and Audit Act*

I, ERIC EUGENE JOHNSTON, 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 22 January 1988.

E.E. JOHNSTON
Administrator

AMENDMENTS OF THE TREASURY REGULATIONS

1. PRINCIPAL REGULATIONS

The Treasury Regulations are in these Regulations referred to as the Principal Regulations.

2. DEFINITIONS

Regulation 2 of the Principal Regulations is amended -

(a) by inserting after the definition of "advance" the following:

"'certificate of exemption' means a certificate of exemption issued under regulation 12;";

* Notified in the *Northern Territory Government Gazette* on 1 February 1988.

Government Printer of the Northern Territory

Price: \$1.20

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(b) by inserting after the definition of "order" the following:

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

'quotation' means an oral or written offer to provide supplies at a stated or calculated price;"; and

(c) by inserting after the definition of "supplies" the following:

"'Tender Board' means a Tender Board established under regulation 10A;".

3. REPEAL AND SUBSTITUTION

Regulations 9 and 10 of the Principal Regulations are repealed and the following substituted:

"9. QUOTATION REQUIRED IN CERTAIN CIRCUMSTANCES

"(1) Subject to this Part, where the amount to be expended in an order for supplies is more than \$500 but not more than \$3,000, the accountable officer shall invite quotations from not less than 3 established representative suppliers.

"(2) Where, in the opinion of the accountable officer or a person authorized by him to approve a requisition under regulation 8(2), it is not practicable to obtain quotations from 3 established suppliers, the accountable officer may, for the purposes of subregulation (1), invite such lesser number of quotations as is practicable and shall record in writing on his departmental papers the reason for not obtaining 3 quotations.

"(3) The accountable officer may invite oral quotations for the purposes of subregulation (1).

"(4) The accountable officer shall record in writing in his departmental papers full details of an oral quotation received as the result of an invitation under subregulation (3) and shall obtain a written quotation from the person whose quotation the accountable officer intends to accept before accepting the quotation.

"(5) An accountable officer shall, if required by a Tender Board, give the Board full details of any contract for a consideration of more than \$3,000 arranged as the result of a quotation.

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"10. PUBLIC QUOTATIONS REQUIRED IN CERTAIN CIRCUMSTANCES

"(1) Subject to this Part, where the amount to be expended in an order for supplies is more than \$3,000, public quotations shall be invited unless a certificate of exemption is obtained.

"(2) A quotation to provide supplies to a value of more than \$50,000 shall not be accepted or be capable of being accepted except with the prior approval in writing of a Tender Board.

"(3) As soon as practicable after a quotation to provide supplies to a value of more than \$3,000 but not more than \$50,000, which is not the lowest conforming offer, is accepted, the accountable officer shall give to the relevant Tender Board full details of the contract resulting from, and the reason for the acceptance of, that quotation.

"10A. TENDER BOARD

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

"(2) A Tender Board shall consist of not less than 3 members appointed by the Treasurer.

"(3) The functions of a Tender Board are -

- (a) to review all requests for the calling of public quotations for the provision of supplies in respect of which it is established to a value of more than \$50,000;
- (b) to review all quotations and public quotation recommendations referred to it;
- (c) to review all requests for exemption from the requirement to publicly advertise for quotations for the provision of supplies in respect of which it is established to a value of more than \$50,000;
- (d) to review all recommendations for prequalifying and preselecting suppliers in respect of supplies in relation to which it is established;
- (e) to consider and, where it thinks appropriate or as directed by the Treasurer, give its approval for the acceptance of quotations referred to in regulation 10(2);
- (f) to approve invitations to submit quotations from suppliers, or the advertising of public quotations, outside the Territory;

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- (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.

"(4) A Tender Board has such powers as are necessary to enable it to carry out its functions."

4. EXISTING CONTRACTS

Regulation 11(1) of the Principal Regulations is amended -

- (a) by inserting in subregulation (1), after "the existing contract", the words "unless the accountable officer otherwise directs"; and
- (b) by omitting from subregulation (2) all words after "a State" and substituting "or another Territory of the Commonwealth, the supplies may be obtained subject to Tender Board approval."

5. REPEAL AND SUBSTITUTION

Regulation 12 of the Principal Regulations is repealed and the following substituted:

"12. CERTIFICATE OF EXEMPTION FROM INVITING PUBLIC QUOTATIONS

"(1) Where -

- (a) in relation to supplies to a value of more than \$3,000 but not more than \$50,000 - the accountable officer or a person authorized by the accountable officer for that purpose; and
- (b) in relation to supplies to a value of more than \$50,000 - the Treasurer or a person authorized by the Treasurer for that purpose,

is satisfied that it is inexpedient to invite quotations generally or public quotations in relation to an order for supplies, the accountable officer, Treasurer or that authorized person, as the case may be, may, in writing, dispense with the need to invite quotations generally, or public quotations, as the case may be, under this Part by issuing a certificate of exemption in respect of those supplies.

"(2) Notwithstanding subregulation (1), the Treasurer may issue a certificate of exemption in respect of particular supplies or supplies of a particular class irrespective of the value of those supplies."

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6. DETAILS OF CERTAIN CONTRACTS TO BE PUBLISHED

Regulation 14(3) of the Principal Regulations is amended by omitting "a tender offered to the Territory for supplies" and substituting "a quotation for the provision of supplies to the Territory".
