NORTHERN TERRITORY OF AUSTRALIA

PROCUREMENT ACT

As in force at 30 November 2018

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 30 November 2018

PROCUREMENT ACT

An Act to provide for the procurement of supplies for the purposes of the Territory and agencies, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Procurement Act*.

2 Commencement

This Act shall come into operation on the commencement of the *Financial Management Act 1995*.

3 Interpretation

(1) In this Act, unless the contrary intention appears:

procurement directions means directions issued under section 11 by the Minister.

Procurement Review Board means a Procurement Review Board established or continued in existence by this Act.

requisition means an authority to acquire supplies.

supplies means a requirement of the Territory or an Agency, including goods, works and services, and consultancies, provided or to be provided to the Territory or Agency.

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

this Act includes the Regulations.

(2) Where a word or expression used in this Act is not defined in this Act but is defined in and for the purposes of the *Financial Management Act*, then, unless the contrary intention appears, that word or expression has the same meaning in this Act as it has in the *Financial Management Act*.

4 Delegation

(1) The Minister or a person on whom a power is conferred or a function imposed by this Act may, in writing, delegate to a person or a person from time to time holding or acting in a named office, designation or position the power or function.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister or person who delegated the power or function.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister or person who delegated the power or function.

5 Exemptions

(1) The Minister may, in writing, exempt an accountable officer from the need to comply with a provision of this Act and, while the exemption remains in force, the accountable officer is not required to comply with the provision.

(2) The accountable officer for the Agency administering the *Independent Commissioner Against Corruption Act* is exempt from the need to comply with this Act in relation to the acquisition of investigative, legal and audit services.

Part 2 Procurement

6 Procurement Review Boards

(1) The Minister may, in writing, establish a Procurement Review Board or such number of Procurement Review Boards as the Minister thinks fit for the purposes of this Act.

(2) A Procurement Review Board shall be constituted in accordance with this Act.

7 Requisitions for supplies

Supplies for the Territory or an Agency shall not be acquired except by a requisition issued in accordance with this Act.

8 Tender requirements

Subject to this Act, an Accountable Officer shall ensure that tenders for the acquisition of supplies are called in accordance with this Act.

9 Certificate of exemption relating to inviting tenders

(1) Where the Minister is satisfied that it is inexpedient to invite tenders in accordance with this Act, the Minister may dispense with all or specified requirements of this Act relating to tenders by the issue of a certificate of exemption.

(2) Where a certificate of exemption is issued under subsection (1), the requirements or the specified requirements of this Act, as the case may be, need not be complied with.

10 Details of certain contracts to be published

The Minister may direct the disclosure of such information in relation to contracts for the procurement of supplies as the Minister thinks fit.

11 Procurement directions

(1) The Minister may, from time to time, issue directions with respect to the principles, practices and procedures to be observed in the procurement of supplies by and on behalf of the Territory and Agencies.

(2) Subject to this Act, all Accountable Officers and employees shall comply with the procurement directions.

Part 3 Miscellaneous

12 Regulations

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Regulations may make provision for and in relation to:

(a) the establishment, the membership and the powers and functions of Procurement Review Boards;

(b) the circumstances in which tendering processes are required or may be dispensed with;

(c) the responsibility of employees and other persons in the purchasing and procurement process;

(d) existing contractual arrangements for supplies;

(e) the documentation of orders, exemptions and other supply procedures and the provision of information; and

(f) the disclosure of information.

13 Continuation of Procurement Review Boards

A Procurement Review Board established under regulation 10A of the Treasury Regulations and in existence immediately before the commencement of this Act shall continue in existence, constituted in the same manner and with the same powers and functions as it then had, as if established under this Act.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Procurement Act 1995* (Act No. 3, 1995)**

Assent date	21 March 1995
Commenced	1 April 1995 (s 2, s 2 *Financial Management Act 1995* (Act No. 4, 1995) and *Gaz* S13, 31 March 1995)

***Independent Commissioner Against Corruption (Consequential and Related Amendments) Act 2018* (Act No. 3, 2018)**

Assent date	21 February 2018
Commenced	30 November 2018 (s 2, s 2 *Independent Commissioner Against Corruption Act 2017* (Act No. 23, 2017) and *Gaz* S94, 30 November 2018

3 LIST OF AMENDMENTS

s 5 amd No. 3, 2018, s 22