

South Australia

## State Procurement Regulations 2005

under the *State Procurement Act 2004*

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### Legislative history

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#### 1—Short title

These regulations may be cited as the *State Procurement Regulations 2005*.

#### 3—Interpretation

In these regulations—

*Act* means the *State Procurement Act 2004*.

#### 4—Bodies declared to be prescribed public authorities (section 4 of Act)

Each of the following bodies is declared to be a *prescribed public authority* for the purposes of the Act:

- Land Management Corporation
- Local Government Finance Authority
- Local Government Superannuation Board
- Motor Accident Commission
- South Australian Centre for Trauma and Injury Recovery Incorporated
- South Australian Forestry Corporation
- South Australian Housing Trust
- South Australian Water Corporation
- Superannuation Funds Management Corporation of South Australia
- TransAdelaide
- WorkCover Corporation of South Australia

## 5—Certain prescribed construction projects excluded from definition of procurement operations (section 4 of Act)

- (1) For the purposes of the definition of *procurement operations* in section 4 of the Act, a prescribed construction project of a cost exceeding \$150 000 is excluded from the definition.
- (2) A *prescribed construction project*—
  - (a) is a project that primarily involves the procurement of construction work; and
  - (b) encompasses—
    - (i) the acquisition and installation of fixtures, plant, equipment, appliances and fittings in conjunction with the construction work; and
    - (ii) the acquisition of survey, planning, design and other services in conjunction with the construction work; and
  - (c) does not encompass the acquisition of goods and services for the ongoing maintenance of a building or structure.
- (3) In this regulation—

*building work* has the same meaning as in the *Building Work Contractors Act 1995*;  
*construction work* means—

  - (a) building work; or
  - (b) the whole or part of the work of excavating or filling of land not constituting building work.

## 6—Community welfare funding arrangements with non-profit bodies excluded from definition of procurement operations (section 4 of Act)

- (1) For the purposes of the definition of *procurement operations* in section 4 of the Act, the procurement of goods or services required for community welfare operations is excluded from the definition if—
  - (a) the goods or services are not to be provided directly to the Crown or an officer, agency or instrumentality of the Crown; and
  - (b) the goods or services are procured by means of the making of a grant to, or funding agreement or contract with, a non-profit body.
- (2) In this regulation—

*community welfare operations* means—

  - (a) operations of any of the following Ministers (a *relevant Minister*):
    - (i) the Minister responsible for the administration of the *Family and Community Services Act 1972*; or
    - (ii) the Minister responsible for the administration of the *Disability Services Act 1993*; or
    - (iii) the Minister responsible for the administration of the *Office for the Ageing Act 1995*; or

- (iv) the Minister responsible for the administration of the *South Australian Housing Trust Act 1995*,  
whether or not operations under any of those Acts; or
- (b) operations of a public authority for which a relevant Minister is responsible;  
or
- (c) operations of a public authority subject to direction by a relevant Minister  
(including direction given as delegate of another Minister); or
- (d) operations of a public authority established by or under an Act the  
administration of which is committed to a relevant Minister;

***non-profit body*** means a body that does not carry on operations for the purposes of profit or gain to its individual members.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *State Procurement Regulations 2005* revoked the following:

*State Supply Regulations 1996*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	201	<i>Gazette 15.9.2005 p3347</i>	4.10.2005: r 2
2006	20	<i>Gazette 2.2.2006 p430</i>	2.2.2006: r 2
<b>2006</b>	<b>256</b>	<b><i>Gazette 30.11.2006 p4167</i></b>	<b>30.11.2006: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>2.2.2006</i>
<b>r 4</b>	<b>varied by 256/2006 r 4(1)—(3)</b>	<b>30.11.2006</b>
r 6	inserted by 20/2006 r 4	2.2.2006
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>2.2.2006</i>

### Historical versions

2.2.2006