

South Australia

State Procurement Regulations 2020

under the *State Procurement Act 2004*

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1—Short title

These regulations may be cited as the *State Procurement Regulations 2020*.

2—Commencement

These regulations come into operation on 1 September 2020.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *State Procurement Act 2004*.

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

Each of the bodies specified in Schedule 1 is declared to be a *prescribed public authority* for the purposes of the Act.

5—Exclusions 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 following are excluded from the definition:
 - (a) a prescribed construction project of a cost exceeding \$150 000;
 - (b) the provision of funding to a third party by a public authority that, in accordance with Treasurer's instructions, is classified as a grant.
- (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;
- Treasurer's instructions*** means instructions issued by the Treasurer under Part 4 of the *Public Finance and Audit Act 1987*.

Schedule 1—Prescribed public authorities

Adelaide Venue Management Corporation
Architectural Practice Board of South Australia
Construction Industry Training Board
Health Services Charitable Gifts Board
Legal Profession Conduct Commissioner
Local Government Finance Authority of South Australia
Return to Work Corporation of South Australia
South Australian Forestry Corporation
South Australian Housing Trust
South Australian Water Corporation
Superannuation Funds Management Corporation of South Australia
Urban Renewal Authority

Schedule 2—Revocation of *State Procurement Regulations 2005*

The *State Procurement Regulations 2005* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 20 August 2020

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