

State Supply Commission Amendment Bill 2007

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Western Australia

LEGISLATIVE ASSEMBLY

State Supply Commission Amendment Bill 2007

A Bill for

An Act to amend the *State Supply Commission Act 1991*.

The Parliament of Western Australia enacts as follows:

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1. Short title

This is the *State Supply Commission Amendment Act 2007*.

2. Commencement

This Act comes into operation as follows:

- 5 (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

3. The Act amended

10 The amendments in this Act are to the *State Supply Commission Act 1991*.

4. Section 3 amended

Section 3(1) is amended after the definition of “public authority” by inserting —

15 “
“**State fleet agreement**” means an agreement entered into by the Commission under section 26AA(1);
”.

5. Part 3 Division 1 heading inserted

Before section 17 the following heading is inserted —

20 “
Division 1 — General
”.

6. Section 19 amended

- 25 (1) Section 19(1) is amended by deleting “subsection (2),” and inserting instead —
“ subsections (2) and (3), ”.

(2) After section 19(2) the following subsection is inserted —

“

(3) The Commission is not responsible for arranging and co-ordinating the supply of goods and services that are to be supplied by a Minister under a State fleet agreement.

”.

7. Part 3 Division 2 inserted

After section 26 the following Division is inserted in Part 3 —

“

Division 2 — State fleet agreement

26AA. Commission may enter into an agreement relating to supply and disposal of vehicles

(1) The Commission may enter into an agreement (a “**State fleet agreement**”) with a Minister for the Minister to perform or exercise, in accordance with any terms, conditions or restrictions specified in the agreement, any function or power of the Commission under this Act that may be performed or exercised in, or in relation to —

- (a) the supply of vehicles to public authorities; or
- (b) the disposal of those vehicles.

(2) For the purposes of sections 26AB(1), 30(6) and 32(2), a department of the Public Service is to be specified in a State fleet agreement.

(3) A department of the Public Service may be specified in a State fleet agreement if the department principally assists the Minister who enters into the agreement with the administration of a written law.

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- 5 (4) For the purposes of this Act and any other written law, an act or thing that is done by, to, by reference to, or in relation to a Minister, in connection with the performance or exercise by the Minister of a function or power of the Commission under a State fleet agreement, is as effectual as it would be if it were done by, to, by reference to, or in relation to the Commission.

26AB. Delegation

- 10 (1) A Minister who enters into a State fleet agreement may delegate to the chief executive officer of the department of the Public Service specified in the agreement under section 26AA(2) any function or power that the Minister may perform or exercise under
15 the agreement.
- (2) The delegation is to be in writing signed by the Minister.
- (3) If a function or power is delegated under subsection (1) to a chief executive officer of a department of the
20 Public Service, the delegation may expressly authorise the chief executive officer to further delegate the function or power to one or more other officers of the department.
- (4) A person performing or exercising a function or power that has been delegated to the person under, or as authorised under, this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- 25 (5) Nothing in this section limits the power of the Minister to perform a function through an officer or agent.
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”.

8. Section 30 amended

(1) Section 30(2) is amended after “to which” by inserting —
“ , subject to subsection (4), ”.

(2) After section 30(3) the following subsections are inserted —

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“

(4) Any funds made available under subsection (1) for the purposes of the performance or exercise of a function or power of the Commission that is to be performed or exercised by a Minister under a State fleet agreement are to be credited to an agency special purpose account established under the *Financial Management Act 2006* section 16 for the purposes of this subsection.

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(5) All costs and expenses incurred in the performance or exercise of a function or power of the Commission that is performed or exercised by a Minister under a State fleet agreement are to be charged to the account referred to in subsection (4).

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(6) For the purposes of the *Financial Management Act 2006* section 52, the administration of the account referred to in subsection (4) is to be regarded as a service under the control of the department of the Public Service specified in the State fleet agreement under section 26AA(2).

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”.

25 **9. Section 32 amended**

Section 32 is amended as follows:

(a) before “The” by inserting the subsection designation “(1)”;

(b) by deleting “The” and inserting instead —

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“ Subject to subsection (2), the ”;

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(c) at the end of the section by inserting —

“

(2) Any acts or things done by a Minister in the performance or exercise of a function or power of the Commission under a State fleet agreement are to be regarded as —

(a) services under the control of the department of the Public Service specified in the State fleet agreement under section 26AA(2) for the purposes of the *Financial Management Act 2006* section 52; and

(b) part of the operations of that department for the purposes of Part 5 of that Act.

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