

Treasurer's Instruction No	1203
Title	Procurement Delegations and Authorisations: building and construction/roads and bridges
Effective date	1 January 2009
Objective and Background	Provides instruction and guidance on procurement delegations and authorisations for building and construction/roads and bridges procurement.
Version Number	4
Last Reviewed Date	August 2010

Black letter (or bold) items within these Instructions are mandatory and other plain font items are instructional or for the purpose of providing guidance only.

- (1) **This instruction applies only to the procurement of building and construction and roads and bridges and is to be read in conjunction with other Instructions relating to such procurements which are contained in the 1200 series of the Treasurer's Instructions.**

Further information on building and construction procurement, including a definition of "building and construction" and "roads and bridges" and information on the types of services that fall under these categories is located at www.purchasing.tas.gov.au>Buying for Government.

For information in relation to procurement of goods and non-construction related services, refer to the 1100 series of the Treasurer's Instructions.

- (2) **Agencies must ensure that any contract which is to be entered into names the 'The Crown in Right of Tasmania' as the contracting party except where a statute specially confers contracting power, and that the execution of contracts on behalf of the State will be by a portfolio Minister unless otherwise delegated in accordance with this Instruction.**

The *Crown Proceedings Act 1993* stipulates that where a Minister contracts, he or she contracts not in their own right but on behalf of the Crown.

Examples of a statute conferring contracting power include the Director of Housing under the *Homes Act 1935* or a corporate body such as the Forestry Corporation under the *Forestry Act 1920*.

- (3) **Where the Minister delegates the authority to enter into a contract to the Head of Agency and/or other agency officers, the authorisation must be in writing and should specify monetary limits as well as any other conditions determined by the Minister. Where the Minister delegates the power to enter into contracts to the Head of Agency alone but with an intention to allow further delegation of the power by the Head of Agency to other officers, the authorisation should provide the Head of Agency**

with power to sub-delegate. Authorisations must be revised if there are changes in the office of the Minister.

- (4) Where a Head of Agency, subject to the monetary limit authorised by the Minister, appoints an officer to be responsible for entering into contracts, the appointment must be in writing, and should specify any monetary limits as well as any other conditions determined by the Head of Agency.
- (5) The Agency's Accounting Manual must include:
 - (a) a copy of the Ministerial Authorisation; and
 - (b) a list of the officers appointed by the Head of Agency to be responsible for building and construction procurement (including roads and bridges procurement) made by the agency. The following details must be included for each officer:
 - (i) position title;
 - (ii) monetary limit;
 - (iii) any other conditions imposed; and
 - (iv) details of any subsequent revocation or variation of the appointment.

A *Ministerial Authorisation pro forma* can be located at www.purchasing.tas.gov.au>Buying for Government>Resources>Forms.