

PROCUREMENT POLICY

Policy Type:	Council
Responsible Department:	Business Support & Improvement
Responsible Officer:	Manager, Finance and Procurement
Related Policies and Procedures	Employee Code of Conduct Unsolicited Proposals Policy Prudential Management Policy Disposal of Surplus Non-Community Land Policy Risk Management Policy Procurement Framework Climate Change Policy Environmental Policy Caretaker Policy Fraud and Corruption Prevention Policy Financial Delegations Project Management Framework
Community Plan Link	3. Economic Prosperity 3.1 Unley is recognised as an easy place to do business 4. Civic Leadership 4.1 We have strong leadership and governance 4.2 Council provides best value services to the Community 4.3 Our business systems are effective and transparent
Date Adopted	28 May 2012 (C420/12)
Last review date	27 November 2023 (C1169/23)
Next review date	August 2027
Reference/Version Number	Version 5
ECM Doc set I.D.	2626914

1. PREAMBLE

- 1.1. Council is committed to implementing fair, transparent and competitive purchasing and contracting practices to achieve the best value for money outcomes aligned to Council’s strategic objectives, community expectations and the requirements of any special funding sources.
- 1.2. This Policy has been developed pursuant to Section 49 of the *Local Government Act 1999 (SA)* and best practice principles in procurement.

2. SCOPE

- 2.1. This Policy applies to all Council employees and contracted staff who undertake procurement and / or contract management activities at Council.
- 2.2. This Policy includes the sale and disposal of land and other assets (excluding motor vehicles).
- 2.3. This Policy does not cover:
 - 2.3.1. Non-procurement expenditure such as sponsorship agreements, grants, funding arrangements, donations, employment agreements; or
 - 2.3.2. The acquisition of land, buildings or structures or entering into lease or licence agreements.

3. PURPOSE

- 3.1. This Policy seeks to:
 - 3.1.1. Define the methods by which Council can acquire goods, works and services;
 - 3.1.2. Demonstrate probity, accountability and responsibility of Council to all stakeholders;
 - 3.1.3. Ensure fair and equitable procurement processes;
 - 3.1.4. Encourage consistency of approach in the management of procurement processes; and
 - 3.1.5. Ensure that the best possible outcome is achieved for Council.

4. DEFINITIONS

Acquisition Plan	<i>A document that outlines the procurement methodology and sourcing strategy to be undertaken for a proposed procurement. The Acquisition Plan may be Short Form or Long Form, depending on the value of the procurement, the proposed procurement method and outcome of the risk assessment.</i>
Agreement	<i>An agreement or contract made between two or more authorised persons on behalf of their organisations to perform or not perform a specific act that is enforceable in law. An agreement may be verbal, written or inferred by conduct.</i>
Contractor	<i>Is an individual or organisation that is formally engaged to provide goods, works or services to Council. This definition does not apply to casual, fixed term or temporary employees.</i>
Council employees and contracted staff	<i>Includes Project Managers as described in the Project Management Framework and others who run a procurement process or who authorise, support or approve procurement documents.</i>

Direct Negotiation	<i>Is a procurement process undertaken by directly approaching and negotiating with one supplier or contractor without testing the market. This method is generally only appropriate for low value and low risk goods, works or services.</i>
Emergency Situation	<i>A situation where Council is required to remedy or make good damage incurred to Council property from a natural or man-made incident. The CEO has the authority to act in an Emergency Situation: goods, works or services in these instances may be purchased direct from a supplier or contractor.</i>
Expression of interest (EOI)	<i>Used to identify suppliers and contractors interested in, and capable of, delivering the required goods, works or services. Potential suppliers and contractors are asked to provide information on their capability and capacity to do the work. It is usually the first stage of a multi-stage procurement process.</i>
Goods	<i>A physical or tangible item that does not include a labour component.</i>
Lifecycle cost	<i>The total cost of an item or system over its full life. It includes the cost of development, production, ownership (operation, maintenance, support), and disposal, if applicable. Also referred to as whole of life cycle cost or total cost of ownership.</i>
Local Supplier	<i>A supplier or contractor which is beneficially owned by persons who are residents or ratepayers of Council, or who have its principal business within the Council area, or a business that substantially employs persons who are residents or ratepayers of Council.</i>
Market Approach	<i>The process undertaken to inform the market of the requirements to obtain offers that meet Council requirements.</i>
Probity	<i>Uprightness, honesty, proper and ethical conduct and propriety in dealings. It is often also used in government in a general sense to mean good process.</i>
Procurement	<i>A series of activities that are undertaken when purchasing goods, works or services, based on three key phases, planning, purchasing and contract management.</i>
Procurement process	<i>The step-by-step process for the planning, establishment and contract management of small and large acquisitions.</i>
Purchasing	<i>The process by which an organisation contracts with another party to obtain goods, works or services required to fulfil its business objectives.</i>
Quotation/quote	<i>An offer to supply goods, works or services, usually in response to an invitation to supply known as a request for quotation. Often used interchangeably with proposal, tender, bid and offer.</i>
Request for Quotation (RFQ)	<i>A written process of inviting offers to supply goods, works or services involving simple documentation and a limited</i>

	<i>number of potential suppliers or contractors.</i>
Request for Tender (RFT)	<i>A written invitation to supply against a set of clearly defined and specified requirements. Participants are advised of all requirements including the rules of participation and proposed contract conditions.</i>
Secondary Procurement Process	<i>Means a purchase from an established panel of suppliers or contractors conducted in accordance with the approved panel rules.</i>
Services	<i>The performance of a task, duties or work which involves the provision of labour and/or professional services.</i>
Supplier	<i>Is an individual or organisation that is formally engaged to provide goods, works or services to Council.</i>
Total Cumulative Spend	<i>The total expenditure with a supplier or contractor or a number of suppliers or contractors over a set time period providing similar goods or services of an ongoing nature.</i>
Value for money	<i>Achieved in procurement by finding the optimum balance of financial and non-financial factors including whole of life cost (lifecycle cost).</i>
Waiver of Competitive Process	<i>A Waiver of Competitive Process is approval to proceed with Direct Negotiation.</i>

5. ROLES AND RESPONSIBILITIES

5.1. The Chief Executive Officer is responsible for:

- 5.1.1. Ensuring Council's procurement operations comply with the requirements of the *Local Government Act 1999 (SA)*; and
- 5.1.2. Approving Waiver of Competitive Process valued over \$250,000 (Ex GST).

5.2. The General Managers are responsible for;

- 5.2.1. Approving Waiver of Competitive Process valued less than \$250,000 (Ex GST).

5.3. Managers are responsible for:

- 5.3.1. Ensuring employees or contracted staff undertaking procurement are sufficiently informed of procurement and contract management requirements to be able to perform their role; and
- 5.3.2. Ensuring employees or contracted staff managing contracts with third parties are appropriately trained and resourced to manage contract relationships, outcomes and any risks or disputes that may arise.

5.4. The Manager, Finance and Procurement is responsible for:

- 5.4.1. Reviewing and maintaining the Procurement Policy and related frameworks, procedures and guidelines;
- 5.4.2. Ensuring appropriate resourcing, systems, templates and processes are in place to support compliance with this Policy; and
- 5.4.3. Implementing induction, training and education programs to ensure Council employees and contracted staff are fully informed of the requirements of this Policy.

5.5. The Procurement Team are responsible for;

- 5.5.1. Providing advice and support to employees and contracted staff on the procurement process and related frameworks, procedures and guidelines.
- 5.6. All Staff are responsible for:
 - 5.6.1. Complying with this Policy and related frameworks, procedures and guidelines;
 - 5.6.2. Acting professionally and complying with the Employee Code of Ethics; and
 - 5.6.3. Retaining and maintaining access to records relating to procurement processes.

6. PROCUREMENT OBJECTIVES

6.1. Open and Fair Competition

- 6.1.1. Council will encourage competition by undertaking competitive procurement processes wherever possible, to deliver the best value for money.
- 6.1.2. Open and fair competition will be fostered and maintained by providing suppliers and contractors with appropriate access to Council's procurement opportunities. Council will ensure, where reasonably practicable, that:
 - 6.1.2.1. There is reasonable access for suitable and competitive suppliers and contractors to Council's procurement processes;
 - 6.1.2.2. Where market circumstances limit competition, procurement activities recognise this, and associated methodology takes account of it; and
 - 6.1.2.3. Adequate, identical, and timely information is provided to all suppliers and contractors to enable them to quote or tender.

6.2. Value for Money

- 6.2.1. Council will deliver the best value in the expenditure of public money. The assessment of value for money includes consideration of financial and non-financial factors relevant to the procurement, such as:
 - 6.2.1.1. Contribution to the advancement of Council's strategic priorities;
 - 6.2.1.2. Any relevant direct and indirect benefits to Council, both tangible and intangible;
 - 6.2.1.3. Efficiency and effectiveness of the proposed procurement activity;
 - 6.2.1.4. Performance history, quality, scope of services, and support of each prospective supplier and contractor;
 - 6.2.1.5. Fitness for purpose of the proposed goods, services or works;
 - 6.2.1.6. Whole of life costs including costs of acquisition, use, ongoing maintenance, servicing requirements, decommissioning and disposal costs;
 - 6.2.1.7. Council's internal administration costs;
 - 6.2.1.8. Quality of the proposed solution and technical compliance;
 - 6.2.1.9. Risk exposure and Work Health and Safety considerations;
 - 6.2.1.10. Prevailing market forces and trends;
 - 6.2.1.11. Value of any associated environmental benefits;

- 6.2.1.12. Local economic development and social inclusion;
- 6.2.1.13. Trade in values; and
- 6.2.1.14. Other relevant matters identified in specific procurement documentation.

6.3. Probity, Accountability and Transparency

- 6.3.1. All procurement will be undertaken in a manner that ensures:
 - 6.3.1.1. Clearly established roles and responsibilities;
 - 6.3.1.2. Appropriate record keeping and documentation;
 - 6.3.1.3. Integrity through transparency of process and documentation of decisions made;
 - 6.3.1.4. Adherence to relevant legislation, policy and procedure;
 - 6.3.1.5. Identification and management of actual or potential conflicts of interest; and
 - 6.3.1.6. Protecting the confidentiality of commercial information.

6.4. Ethical Behaviour and Fair Dealing

- 6.4.1. Council is committed to the highest ethical and professional standards in the conduct of procurement activities.
- 6.4.2. All Council employees and contracted staff involved in procurement will:
 - 6.4.2.1. Behave with impartiality, fairness, openness, integrity, and professionalism;
 - 6.4.2.2. Provide all suppliers and contractors with equal opportunity to supply to Council;
 - 6.4.2.3. Establish clear and easy to understand documentation, evaluation criteria and methodology;
 - 6.4.2.4. Provide consistent processes and constructive feedback on decisions upon request from suppliers and contractors; and
 - 6.4.2.5. Ensure effective communication and provision of information to all suppliers and contractors.

6.5. Identification and Management of Risk

- 6.5.1. A risk assessment that is undertaken as part of the procurement process will consider financial, supply, business, legal, contract management, reputational, probity, Work Health and Safety, environmental, public safety and political risks.
- 6.5.2. Risks relating to the procurement process may include:
 - 6.5.2.1. Procurement of unsuitable product or service;
 - 6.5.2.2. Funding shortfall;
 - 6.5.2.3. Probity failure;
 - 6.5.2.4. Inadequate or erroneous specification;
 - 6.5.2.5. Failure to agree to contract terms;
 - 6.5.2.6. Actual or perceived breach of probity; and

- 6.5.2.7. Lack of responses or limited supplier participation.
- 6.5.3. Risks relating to contract management may include:
 - 6.5.3.1. Supplier capability/capacity/availability;
 - 6.5.3.2. Price variations;
 - 6.5.3.3. Failure to deliver the contract on time, on budget and to the contracted quality;
 - 6.5.3.4. Contract disputes; and
 - 6.5.3.5. Unauthorised change in scope of work.
- 6.5.4. Risk Assessment
 - 6.5.4.1. Council employees and contracted staff will ensure that appropriate practices and procedures of internal control and risk management are in place for all procurement activities, including risk identification, assessment, and implementation of controls.
 - 6.5.4.2. Procurement risk assessments will focus on assessing a potential supplier's or contractor's capacity and capability to meet Council's requirements and identify any other relevant factors which might result in goods, services or works not being successfully delivered.
- 6.5.5. Risk Based Approach to Market
 - 6.5.5.1. Council's approach to market will be influenced by procurement risk assessments, with high-risk and high-value acquisitions requiring more formal procurement planning methodologies and higher levels of management oversight.
- 6.5.6. Work Health and Safety
 - 6.5.6.1. Council is committed to protecting the health, safety, and welfare of Council employees, contracted staff and the community. Council employees and contracted staff will ensure that procurement activities protect the health, safety and welfare of its workers, elected members, customers, and the community.
 - 6.5.6.2. If the procurement of goods, services, works, materials, plant or equipment involves implications for Work, Health and Safety, Council's Work Health and Safety Team and Council's Principal Risk Management Officer will be consulted prior to the commencement of the procurement process; and
 - 6.5.6.3. Where appropriate, evaluation will include an assessment of Work Health and Safety.

6.6. Environmental Sustainability

- 6.6.1. Council is committed to operating in an environmentally responsible manner by reducing environmental impacts from its business operations and wherever possible, selecting and contracting solutions that deliver environmental benefits.
- 6.6.2. Council promotes environmental sustainability through its procurement activities and will consider the purchase of environmentally sustainable

goods and services that satisfy the value for money criteria when all other financial and commercial considerations are equal.

- 6.6.3. Council recognises the principle of circular economy and is committed to recycling, reusing materials and minimising waste wherever possible (ie. considering the full life cycle of items procured).
- 6.6.4. Council will promote environmentally sustainable practices by exploring environmentally sustainable solutions as part of the procurement process and wherever possible, seek to facilitate sustainable development and protect the environment.
- 6.6.5. Council recognises the need to strike a balance between achieving the best value for money and delivering environmentally responsible outcomes with a full life cycle perspective.
- 6.6.6. Council acknowledges environmental responsibility as considering the composition of materials or supplies and manufacturing processes, energy sources, greenhouse gas emissions, air pollution, noise pollution, water pollution, waste generation and disposal.
- 6.6.7. Council will adopt procurement evaluation practices that identify environmental impacts with a full life cycle perspective, and will proceed in a way that best satisfies the overall objectives of this Policy.

6.7. Social Sustainability

- 6.7.1. Wherever possible, Council will include not-for-profit organisations (social enterprises) that benefit the community (including disadvantaged and vulnerable groups and people living with disabilities) in procurement processes.

6.8. Local Economic Benefit and Aboriginal and Torres Strait suppliers and contractors

- 6.8.1. Council recognises the significant impact that its operations play in the local economy yet is mindful of the requirement to achieve value for money outcomes and meet budget expectations.
- 6.8.2. Council will endeavour to, at its discretion and to the full extent permitted by law, support local businesses by:
 - 6.8.2.1. Promoting opportunities to local and regional businesses to supply to Council;
 - 6.8.2.2. Giving preference to local business when all other commercial considerations are equal;
 - 6.8.2.3. Encouraging Aboriginal and Torres Strait suppliers and contractors to quote and tender;
 - 6.8.2.4. Giving preference to Aboriginal and Torres Strait suppliers and contractors when all other commercial conditions are equal to ensure local employment opportunities and economic stability and/or growth; and
 - 6.8.2.5. Considering economic and social inclusion elements such as employment creation and training opportunities specifically within the Council area.

7. PROCUREMENT THRESHOLDS

7.1. Procurements are to be conducted in accordance with Council's financial thresholds detailed on the following page:

Value (Ex GST)	Market Approach Minimum Requirements (where possible)	Market Approach Options	Agreement Type	Acquisition Plan Type	Evaluation Requirement
Up to \$2,000	<ul style="list-style-type: none"> Direct Negotiation involving 1 supplier based on advertised price or written quotation 	<ul style="list-style-type: none"> Pre-qualified contractor register Panel arrangement VendorPanel Direct approach ie email Verbal quote - must be supported by written documentation 	<ul style="list-style-type: none"> Work Order under Panel Purchase Order Credit Card Petty Cash (\$50) 	Nil	1 person
\$2,001 to \$10,000	<ul style="list-style-type: none"> Direct Negotiation involving 1 supplier based on advertised price or written quotation 	<ul style="list-style-type: none"> Pre-qualified contractor register Panel arrangement VendorPanel Direct approach ie email Verbal quote - must be supported by written documentation 	<ul style="list-style-type: none"> Work Order under Panel Purchase Order Goods Agreement Services Agreement Works Agreement 	Short Form	1 person
\$10,001 to \$50,000	<ul style="list-style-type: none"> Request for Quotation (to three (3) suppliers), OR Request for Quotation from the Panel (to one (1) supplier) 	<ul style="list-style-type: none"> Pre-qualified contractor register Panel arrangement VendorPanel Select approach to identified suppliers 	<ul style="list-style-type: none"> Work Order under Panel Goods Agreement Services Agreement Works Agreement 	Short Form	2 people
\$50,001 to \$99,999	<ul style="list-style-type: none"> Request for Quotation (to three (3) suppliers), OR Request for Quotation from the Panel (to one (1) supplier) 	<ul style="list-style-type: none"> Pre-qualified contractor register Panel arrangement VendorPanel Select approach to identified suppliers 	<ul style="list-style-type: none"> Work Order under Panel Goods Agreement Services Agreement Works Agreement 	Long Form OR Short Form if using Panel	3 people
\$100,000 or greater	<ul style="list-style-type: none"> Select Request for Tender (subject to approved risk assessment – to five (5) suppliers), OR Request for Expression of Interest (to three (3) suppliers), OR Request for Quotation from the Panel (to three (3) suppliers), OR Open Request for Tender 	<ul style="list-style-type: none"> Pre-qualified contractor register Panel arrangement VendorPanel Select approach to identified suppliers SA Tenders and Contracts www.tenders.sa.gov.au 	<ul style="list-style-type: none"> Work Order under Panel Goods Agreement Services Agreement Works Agreement 	Long Form OR Short Form if using Panel	3 people

- 7.2. Council reserves the right to undertake public, select tenders or enter direct negotiations wherever considered appropriate. Council may also by resolution, having regard to this Policy and any other relevant factor, direct Council employees or contracted staff to use a different method of procurement in its absolute discretion.
- 7.3. The value of a procurement is calculated as follows:
 - 7.3.1. Single one-off procurement – the total amount, or estimated total amount, of the procurement (Ex GST);
 - 7.3.2. Multiple procurements with the same supplier or contractor – the gross value, or the estimated total gross value, of the procurements (Ex GST); or
 - 7.3.3. Ongoing procurements over time – the annual gross value, or the estimated total annual gross value, of the procurements (excluding GST).
- 7.4. The value of a procurement or transaction is calculated across all elements of the procurement process including any agreement options, extensions, renewals, and contingencies (Ex of GST) and should be considered in the planning phase of the project.
- 7.5. Splitting the value of the purchase into individual components to meet lower value Purchase Threshold requirements is strictly not permitted.

8. MARKET APPROACH

The market approach will be documented in an Acquisition Plan, with reference to several factors including procurement complexity, value, risks, characteristics of the supply market, and Council's strategic objectives.

8.1. Direct Negotiation

- 8.1.1. Direct negotiation is a procurement method undertaken by directly approaching and negotiating with one (1) supplier or contractor.
- 8.1.2. Prices should be benchmarked and value for money considered prior to awarding contract.

8.2. Request for Quotation (RFQ)

- 8.2.1. This is where Council obtains quotations from prospective suppliers or contractors for the provision of low value, low risk goods, services or works.
- 8.2.2. This method may be suitable for simple, largely price-based purchases.

8.3. Expressions of Interest (EOI)

- 8.3.1. Expressions of interest are useful when the number of suppliers or contractors, market size or the approach to solving a problem is largely unknown.
- 8.3.2. Such a process can form the basis for a future Request for Tender for the goods, services or works.
- 8.3.3. Council should assess the market before conducting an EOI process and refine the requirements as much as possible to ensure responses are targeted appropriately.

8.4. Request for Tender (RFT)

- 8.4.1. This is where the Council issues a tender for goods, services or works.

- 8.4.2. Council may issue a “Select” Request for Tender where it has already issued an EOI, or where there are reasonable grounds for involving a select group of potential suppliers or contractors.
- 8.4.3. Otherwise, Council may issue an “Open” Request for Tender.
- 8.4.4. An open tender is advertised publicly using SA Tenders and Contracts Website.

8.5. Panel Contracts

- 8.5.1. Council may establish panel arrangements with select groups of suppliers or contractors to increase administrative efficiency in the procurement of goods, works and services.
- 8.5.2. Panels will be established following the principles of this Policy.
- 8.5.3. All Panels will be managed for performance and on-going value for money opportunities.
- 8.5.4. Where Council has established a Panel for goods, services or works that are purchased regularly, Council employees or contracted staff may engage a supplier off the panel using a short form Acquisition Plan irrespective of value, in recognition of the comprehensive evaluation process used to establish the Panel arrangement.

8.6. Strategic Alliances

- 8.6.1. If Council enters into a strategic alliance procurement process, there will be no requirement for Council to approach the wider market or enter into a separate RFT or RFQ. Council will satisfy the procurement requirements through the contractual arrangements established and administered by other organisations that demonstrate adherence to the requirements of this Policy. The participation in strategic alliances means that the methods of procurement set out in this Policy will be undertaken pursuant to and in accordance with the arrangements set out by the Strategic Alliances. These include, but are not limited to:

- 8.6.1.1. LGA Procurement (via VendorPanel);
- 8.6.1.2. A purchasing group of which Council is a member;
- 8.6.1.3. Some State Government contracts; and
- 8.6.1.4. Ad hoc alliances created with other Local Government entities.

8.7. Waiver of Competitive Process

- 8.7.1. A request for waiver of a competitive process should not be viewed as a mechanism to remove the need for rigorous procurement planning.
- 8.7.2. Situations where it may be appropriate to waive application of this Policy are:
 - 8.7.2.1. There may be significant public risk if the procurement is delayed by process requirements, such as emergency situations threatening life and/ or property;
 - 8.7.2.2. The pressures of time are such that an open tender call is not feasible, such as where there has been an unanticipated Council or Government policy decision;
 - 8.7.2.3. Council purchases assets or goods at an auction up to \$100,000;

- 8.7.2.4. Council purchases second hand assets or goods up to \$100,000;
- 8.7.2.5. A supplier or contractor is evidenced to be a “sole supplier or contractor” in the market and effectively a niche specialist or monopoly, rendering the tender process redundant;
- 8.7.2.6. A supplier or contractor who has considerable background knowledge and experience, or specialist expertise on a particular Council project or asset e.g. an extension of a previous project. In such circumstances, the procurement of assets, goods, works or services on negotiated fees and terms through that supplier or contractor alone may be deemed sound and advantageous to Council. This could include engaging the supplier or contractor on a retainer basis for a defined period of time:
 - 8.7.2.6.1. Continuation of services under an existing purchasing arrangement (i.e. variations/extensions to existing purchase orders or agreements);
 - 8.7.2.6.2. Goods, services or works are being provided under an existing purchasing arrangement (i.e. warranty, servicing, maintenance or defects liability); or
 - 8.7.2.6.3. Where knowledge, design and/or intellectual property is being retained to secure continuity of a staged initiative which may be disadvantaged (e.g. time, objective, financially) if subjected to a further competitive engagement process.
- 8.7.3. Approval for Waiver of Competitive Process is granted by the:
 - 8.7.3.1. Chief Executive Officer if the value is over \$250,000 (Ex GST); or
 - 8.7.3.2. Relevant General Manager if the value of the purchase is under \$250,000 (Ex GST).
 - 8.7.3.3. All such procurements, whether approved by the Chief Executive Officer or General Manager, must be recorded in a register (Register of Waiver of Competitive Process) and reported to the Executive Management Team on a quarterly basis.

8.8. Sale and Disposal of Land and Other Assets

- 8.8.1. For the sale and disposal of land and other assets, the following principles will apply:
 - 8.8.1.1. Consistency with, and relevance to, Council’s Corporate and Strategic Plans;
 - 8.8.1.2. Transparency and accountability in sale and disposal procedures and practices to ensure that the Council obtains the best price in the circumstances and that potential purchasers are given equal opportunity to purchase the land or assets;
 - 8.8.1.3. Compliance with statutory and other obligations (e.g. Council Policy for Disposal of Surplus Non-Community Land);
 - 8.8.1.4. Commercial confidentiality within legislative constraints; and
 - 8.8.1.5. Other relevant factors deemed appropriate by Council.

8.8.2. Consideration must also be given to the Prudential Management Policy and the Unsolicited Proposal Policy, where relevant.

8.8.3. Council may utilise one or more of the following methods to sell or dispose of land and other assets:

- trade in
- public auction
- select tender
- open tender
- by agency agreement, or
- a direct approach to potential purchasers (for example, adjoining landholders).

8.8.4. The disposal of motor vehicles is addressed in Council's Motor Vehicle Policy.

9. LEGISLATION

9.1. This is a mandatory Policy pursuant to section 49 of the *Local Government Act 1999* (SA).

9.2. The following list of Acts and Regulations apply to Council's diverse range of procurement activities. This Policy is intended to supplement these instruments. Any inconsistency that may arise between this Policy and a relevant Act or Regulation shall be resolved in favour of the Act or Regulations:

- *Local Government Act 1999* (SA)
- *Freedom of Information Act 1991* (SA)
- *Work Health and Safety Act 2012* (SA)
- *Work Health and Safety Regulations 2012* (SA)
- *Independent Commissioner Against Corruption Act 2012* (SA)
- *Environmental Protection Act 1993* (SA)
- *Industry Advocate Act 2017* (SA)
- *Ombudsman Act 1972* (SA)
- *State Records Act 1997* (SA)
- *Competition and Consumer Act 2010* (Cth)
- *National Competition Policy* (Cth)
- *Trades Practices Act 1974* (Cth)

10. AVAILABILITY OF POLICY

10.1. This Policy can be downloaded, free of charge, from Council's website: www.unley.sa.gov.au.

10.2. A printed copy may be purchased on request at:

The Civic Centre, 181 Unley Road, Unley SA 5061

11. DOCUMENT

HISTORY

Date	Ref/Version No.	Comment
20 Sept 2010	CSP 360/10	
27 Sept 2010	Council; C739/10	Was policy no. COU 22
14 May 2012	CSP 108/12	
28 May 2012	Council; C420/12	
1 Sept 2015	Audit & Governance; A&G18/15	
14 Dec 2020	Council C0403/20	Audit Committee 8 Dec 2020 AC0029/20
27 Nov 2023	Council C1169/23	Audit Committee 17 Oct 2023 ACC0121/23