

Serial Number **1950/120**

THE GOVERNMENT STORES REGULATIONS 1950

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 12th day of
July, 1950

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Public Revenues Act, 1926, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

1. These regulations may be cited as the Government Stores Regulations 1950, and shall come into force on the date of their notification in the *Gazette*.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Public Revenues Act, 1926 :

“Board” means the Government Stores Board established by these regulations :

“Department” means any branch of the Government service that is administered separately :

“Permanent Head” means the head or principal administrative officer of any Department :

“Purchasing Department” means any Department authorized by the Board under regulation 28 hereof to perform the functions referred to in that regulation :

“Stores” means any chattels that are stores within the meaning of the Act or of regulation 108 of the Treasury Regulations.*

3. (1) The regulations referred to in the Schedule hereto are hereby revoked.

(2) All notices, certificates, appointments, and generally all acts of authority and all applications and all other documents, matters, acts, and things, and all periods of time which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of coming into force of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

GOVERNMENT STORES BOARD

4. (1) There is hereby established a Board to be known as the Government Stores Board.

* *Gazette*, 25th July, 1927, page 2503.

(2) The Board shall consist of the Permanent Heads of the following Departments :—

- (a) Treasury :
- (b) New Zealand Government Railways :
- (c) Ministry of Works :
- (d) Post and Telegraph :
- (e) Industries and Commerce.

(3) The Permanent Head of the Treasury Department shall be Chairman of the Board.

(4) Any member of the Board may appoint an officer of his Department to act as his deputy, and any such deputy shall, while he acts as such, be deemed to be a member of the Board.

(5) In addition to the members of the Board referred to in subclause (2) hereof, the Governor-General may, by Order in Council, appoint any person to be a member of the Board either permanently or for a specified period.

ADVISORY COMMITTEE

5. (1) There is hereby established an Advisory Committee which shall consist of—

- (a) The Controller, Investigation and Research Division, Treasury Department :
- (b) The Comptroller of Stores, New Zealand Government Railways Department :
- (c) The Stores Manager, Ministry of Works :
- (d) The Principal, Stores Division, Post and Telegraph Department :
- (e) The Director, Commodity Division, Department of Industries and Commerce :
- (f) The Stores Manager, State Hydro-electric Department.

(2) In the event of any of the offices referred to in subclause (1) hereof being vacant the Permanent Head of the Department concerned shall nominate an officer of his Department to fill the vacancy on the Advisory Committee, and any officer so nominated shall, while the office remains vacant, be deemed to be a member of the Advisory Committee.

(3) Any of the members of the Advisory Committee, with the approval of the Permanent Head of his Department, may nominate an officer of his Department to act as his deputy, and any such deputy shall, while he acts as such, be deemed to be a member of the Advisory Committee.

(4) The Advisory Committee shall elect from among its members a Chairman, who shall hold office for such period as the Committee may determine.

SUPPLIES AND TENDERS COMMITTEES

6. The Board may establish in such localities and for such districts as it may determine from time to time Supplies and Tenders Committees to perform all or any of the functions specified in regulation 26 hereof.

PROCEDURE OF THE BOARD

7. The Board shall elect from among its members a Deputy Chairman, who shall hold office for such period as the Board may determine. In the absence of the Chairman, the Deputy Chairman shall act as Chairman and shall have all the powers conferred by these regulations

on the Chairman. In the absence of both the Chairman and the Deputy Chairman from any meeting the Board may elect one of its members to preside at that meeting.

8. (1) The Board shall meet at such times and places as may be decided by the Chairman.

(2) A special meeting of the Board shall be called by the Chairman on receipt of a written request from two members.

9. Each member of the Board shall be notified in writing by the Secretary of the time and place of each meeting of the Board, and shall attend personally at each meeting :

Provided that in the event of any member being unable to attend at the time and place appointed, then his deputy shall attend and act in his stead.

10. (1) At all meetings of the Board three members shall constitute a quorum.

(2) The decisions of the Board shall be determined by a majority of votes. Each member of the Board present at any meeting shall have one vote on any question arising for determination. The Chairman shall have a deliberative vote, and, in the event of an equality of votes, shall also have a casting vote.

11. Records of the meetings of the Board shall be kept by the Secretary in the Board minute-book and the minutes of each meeting shall be confirmed at the next subsequent meeting of the Board.

PROCEDURE OF THE ADVISORY COMMITTEE

12. The provisions of regulations 7 to 11 hereof shall, with the necessary modifications, apply to the procedure of the Advisory Committee.

OFFICERS OF THE BOARD

13. There shall be a Secretary to the Board and to the Advisory Committee, who shall be an officer of the Treasury Department, and who shall be the chief executive officer of the Board and of the Advisory Committee.

14. There may from time to time be appointed as officers of the Public Service such officers as may be required for the purposes of these regulations.

POWERS AND DUTIES OF THE SECRETARY

15. Any contract in writing entered into by the Board may be signed by the Secretary on behalf of the Board. The Secretary shall attend all meetings of the Board and of the Advisory Committee. He shall have, exercise, and discharge such other functions, powers, and duties as may be prescribed by the Board.

16. The Secretary shall keep such records (including accounts) as the Board may from time to time direct or require.

FUNCTIONS OF THE BOARD

17. Subject to the provisions of the Act and of all regulations thereunder, the functions of the Board shall be—

- (a) Generally to co-ordinate, supervise, and, where necessary or convenient, effect the purchase, custody, distribution, use, disposal, and inter-departmental transfer of stores, and take or direct such action as may be necessary to ensure stores being purchased to the best advantage :

- (b) To arrange for the disposal to the best advantage of all stores, whether situate in New Zealand or elsewhere, which from time to time are declared by Government Departments to be surplus to their requirements, and, where necessary or convenient, to arrange for the safe custody and storage of any such stores pending disposal :
- (c) To consider representations or recommendations from the Advisory Committee or Supplies and Tenders Committees (submitted through the Advisory Committee), Departments, or any other source, and direct the action to be taken in regard thereto.

POWERS OF THE BOARD

18. (1) In the exercise of its functions, whether prescribed in these regulations or elsewhere, the Board shall have all powers necessary to carry out those functions.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that the Board shall have power from time to time—

- (a) To purchase or procure to the best advantage, whether through public tender, the obtaining of quotations, or otherwise, all stores required by Departments, in the same manner as if the Board were a purchasing Department :
- (b) To pay for stores purchased or procured by the Board :
- (c) To authorize any Department to act fully or partly as a purchasing Department :
- (d) To sell, exchange, lend, or otherwise dispose of or deal with surplus stores upon such terms and subject to such conditions as the Board may consider desirable :
- (e) To hold, manage, operate, finish, assemble, transport, repair, maintain, and care for surplus stores and to acquire buildings or equipment necessary for those purposes :
- (f) To arrange for the transfer of stores from one Department to another and to determine the prices at which any such stores shall be transferred :
- (g) To disqualify from tendering or quoting, for any period it may consider desirable or necessary, any person, firm, or company who is considered by the Board to have been guilty of any default in carrying out a contract or to be or to be likely to be unsatisfactory for any other reason :
- (h) To grant exemption, either wholly or in part, from compliance with the procedure herein required or hereafter directed by the Board :
- (i) To carry out any one or more of the foregoing powers on behalf of any Corporation, authority, or organization which receives public moneys (whether by way of loan, grant, or subsidy) and which so authorizes the Board by agreement in writing.

19. The Board shall have the like power of contracting for the sale or other disposal of stores as is enjoyed by a Permanent Head of a Department and, in the case of any contract entered into with the approval in writing of the Minister of Finance, the like power of so contracting as is enjoyed by the Minister of Finance.

20. The Board may, for the purpose of exercising its powers elsewhere than in New Zealand, in respect of surplus stores situated abroad or in New Zealand, appoint such agents abroad as it thinks proper.

21. The Board may delegate any of its powers to the Advisory Committee or to a Supplies and Tenders Committee established by the Board and may delegate to a Department any of its powers which any such Department is at law capable of exercising.

22. The Board may undertake the disposal of surplus stores on behalf of any Government other than the Government of New Zealand and on behalf of any corporation, authority, or organization established by any such Government for the disposal of surplus assets of that Government.

23. In the exercise of its functions and powers the Board shall comply with any directions given to it by the Minister of Finance.

FUNCTIONS AND POWERS OF THE ADVISORY COMMITTEE

24. The functions of the Advisory Committee shall be to report to the Board on any matters referred to it by the Board for investigation ; to consider methods for the better control of the purchase, custody, distribution, use, disposal, inter-departmental transfer of, or payment for stores and to report thereon to the Board ; generally to co-ordinate the work of purchasing Departments ; and to carry out such other functions as may from time to time be delegated to it by the Board.

25. (1) The Advisory Committee is hereby empowered to call for any information desired from any Department, and it shall be the duty of the Department to furnish any such information.

(2) The Advisory Committee is hereby further empowered, to call upon the services of any departmental officer in connection with requisitions for stores, specifications, estimates, or investigation of tenders or quotations.

FUNCTIONS AND POWERS OF SUPPLIES AND TENDERS COMMITTEES

26. The functions of a Supplies and Tenders Committee, to the extent that any such Committee has been authorized by the Board, shall be—

(a) To supervise the purchase of stores and to co-ordinate the work of the purchasing Departments :

(b) To perform such other functions relating to the purchase, custody, distribution, use, disposal, or inter-departmental transfer of stores as may from time to time be directed by the Board :

(c) To represent to the Advisory Committee any case coming within the knowledge of the Supplies and Tenders Committee where stores are not being procured to the best advantage or effect is not being given to the policy or directions of the Board, and to report to the Board on any other matters relating to stores.

27. A Supplies and Tenders Committee is hereby empowered to call upon the services of any departmental officer in connection with requisitions for stores, specifications, estimates, or investigation of tenders or quotations.

FUNCTIONS AND POWERS OF PURCHASING DEPARTMENTS

28. (1) Any Department may be authorized by the Board to perform the functions prescribed by these regulations in respect of purchasing Departments.

(2) The functions of a purchasing Department, to the extent that any such Department has been authorized by the Board, shall be to purchase or procure to the best advantage, whether through public tender, the obtaining of quotations, or otherwise, all stores which are required by Government Departments and which are not obtained under any other provisions of these regulations.

29. A purchasing Department is hereby empowered to call upon the services of any departmental officer in connection with requisitions for stores, specifications, estimates, or investigation of tenders or quotations.

REQUISITIONING AND PURCHASE OF STORES BY DEPARTMENTS

30. A Department requiring stores (other than stores which the Board provides, or which the Department is authorized to purchase itself, either as a purchasing Department or under regulation 31 or regulation 32 hereof) shall submit to the appropriate purchasing Department, in such manner and at such times as may be prescribed by the Board, requisitions showing full particulars of the stores required. The purchasing Department may then purchase or arrange the purchase of any such stores on behalf of the requisitioning Department or may notify the Permanent Head of the requisitioning Department which of any tenders or quotations should be accepted, in which latter event the Permanent Head shall complete the necessary contract or other document.

31. In the exercise of its powers the Board may enter into contracts with persons, firms, or companies to supply certain stores at specified prices in such quantities and at such times as Departments may from time to time require. Any Department may purchase stores under and in accordance with any such contract without reference to any other Department.

32. Notwithstanding the provisions of these regulations, where it is extremely urgent to purchase stores to cope with an emergency,—

(a) The Permanent Head of any Department may authorize the purchase of stores to a quantity and value sufficient to cope with the particular emergency :

(b) The officer in charge of any works, if unable to communicate with the Permanent Head of his Department or the appropriate Supplies and Tenders Committee, may purchase stores to a quantity and value sufficient to cope with the particular emergency.

GENERAL

33. Any Department having surplus stores available shall immediately furnish full particulars of the stores to the Board in such manner as the Board may prescribe.

34. Any Department becoming aware that stores are available for purchase at prices below market rates or at specially favourable rates or terms shall immediately notify the Board or the appropriate purchasing Department.

35. It shall be the duty of all Departments to report any unsatisfactory contractor to the Board.

SCHEDULE
REGULATIONS REVOKED

Title.	Published in <i>Gazette</i> .	
	Year.	Page.
The New Zealand Government Stores Control Board Regulations, 1925	1925	3042
Regulations amending the New Zealand Government Stores Control Board Regulations, 1925	1929	434
Regulations amending the New Zealand Government Stores Control Board Regulations, 1925	1929	2530
The New Zealand Government Stores Control Board Amendment Regulations, 1931	1931	2177
Regulations amending the New Zealand Government Stores Control Board Regulations 1925	1934	3329
	Published in Statutory Regulations.	
	Serial Number.	Page.
The War Assets Realization Board Regulations 1945 ..	1945/170	433
The New Zealand Government Stores Control Board Regulations 1925, Amendment No. 5	1947/20	42
The War Assets Realization Board Regulations 1945, Amendment No. 1	1947/108	399

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 13th day of July, 1950.
These regulations are administered in the Treasury.