

House of Assembly—No 75

As received from the Legislative Council and read a first time, 21 July 2020

South Australia

State Procurement Repeal Bill 2020

A BILL FOR

An Act to repeal the *State Procurement Act 2004*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *State Procurement Repeal Act 2020*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Repeal of *State Procurement Act 2004*

3—Repeal of Act

The *State Procurement Act 2004* is repealed.

4—Transitional provisions

- (1) The State Procurement Board is dissolved and all members of the Board holding office immediately before the commencement of this section cease to hold office on that commencement.
- (2) All assets, rights and liabilities of the Board are vested in the Treasurer.
- (3) The vesting of assets or liabilities under this section operates by force of this section and despite the provisions of any other law or instrument.
- (4) Subject to subsection (5), a reference in any instrument or contract, agreement or other document to the Board will have effect as if it were a reference to the Treasurer.
- (5) Subsection (4) does not apply to any reference excluded by the Governor by proclamation.
- (6) Subsection (4) has effect despite the provisions of any other law or instrument.
- (7) Any—
 - (a) action under section 18 of the *State Procurement Act 2004* commenced by the Board; or
 - (b) other process or proceeding commenced by or against the Board,

before the commencement of this section but which had not been finally determined at that commencement may be continued or completed by the Treasurer.

(8) Nothing done under this section—

(a) constitutes a breach of, or default under, an Act or other law; or

5 (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or

(c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or

(d) constitutes a civil or criminal wrong; or

10 (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy; or

(f) releases a surety or other obligee wholly or in part from an obligation.

15 (9) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, must, on application under this subsection, register or record in an appropriate manner a vesting under this section.

(10) The Governor may, by regulation, make any other provision of a saving or transitional nature consequent on the enactment of this Act.

20 (11) In this section—

asset includes a present or contingent interest;

Board means the State Procurement Board established under Part 2 of the *State Procurement Act 2004*;

liability includes a contingent liability.