



ANNO QUARTO

GEORGII VI REGIS.

A.D. 1940.

No. 7 of 1940.

An Act to amend the Public Supply and Tender
Act, 1914-1930.

[Assented to 19th September, 1940.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Public Supply and Tender Act Amendment Act, 1940". Short titles.
 - (2) The Public Supply and Tender Act, 1914-1930, as amended by this Act, may be cited as the "Public Supply and Tender Act, 1914-1940".
 - (3) The Public Supply and Tender Act, 1914-1930, is hereinafter referred to as "the principal Act".
2. The principal Act is amended by inserting therein after section 7 the following section :— Amendment of principal Act—
 - 7a. (1) The board shall be a body corporate under the name of "The Supply and Tender Board", and shall have perpetual succession and a common seal, and by its corporate name shall be capable of suing and being sued and of acquiring and disposing of real and personal property: Provided that the board shall not dispose of any real property without the consent of the Governor. Incorporation of board.
 - (3) Judicial notice shall be taken of the incorporation and of the common seal of the board, and the production of any deed, instrument or writing, if sealed with the said seal, shall be *prima facie* evidence of the due making and execution of the deed, instrument or writing.
3. The principal Act is amended by inserting therein after section 15a the following sections :— Amendment of principal Act—

Contracts by board.

15b. (1) The board may enter into, vary, and discharge contracts for the purposes of this Act, and every such contract may be made, varied, or discharged as follows:—

- I. Any contract which, if made between private persons, would be by law required to be in writing and under seal, the board may make in writing and under the common seal of the board, and may be varied or discharged in the same manner :
- II. Any contract which, if made between private persons, would be by law required to be in writing signed by or on behalf of the parties to be charged therewith, the board may make in writing under the common seal as aforesaid, or in writing signed by any person acting under the authority of the board, express or implied, and may be varied or discharged in the same manner as it was or might have been made :
- III. Any contract which, if made by private persons, would be by law valid although only made by parol, may be made by the board in either of the two ways aforesaid, or by parol by any person acting under the authority of the board, express or implied, and may be varied or discharged in the same manner as it was or might have been made.

(2) All contracts made according to the provisions herein contained shall be effectual in law and binding on the parties thereto.

(3) Every deed, conveyance, contract or document made in writing under the common seal of the board shall be signed by any three members of the board.

Provisions as to previous contracts and dealings in property.

15c. (1) Any contract made in the name of the board before the passing of the Public Supply and Tender Act Amendment Act, 1940, shall be deemed to be as valid as if, at the time of the making of the contract, the board was a body corporate and the board was empowered to enter into contracts in the name of the board.

(2) All real and personal property acquired by the board before the passing of the Public Supply and Tender Act Amendment Act, 1940, shall be deemed to have been legally acquired and any such real or personal property shall be vested in the board as a body corporate.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.