



ANNO QUADRAGESIMO

**ELIZABETHAE II REGINAE**

A.D. 1991

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No. 27 of 1991

An Act to amend the State Supply Act 1985.

[Assented to 18 April 1991]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *State Supply (Miscellaneous) Amendment Act 1991*.
- (2) *The State Supply Act 1985* is referred to in this Act as “the principal Act”.

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Interpretation**

3. Section 4 of the principal Act is amended—

(a) by inserting after the definition of “the Board” the following definition:

“chief executive officer”, in relation to an authority, means the person appointed to, or acting in, the office or position (however named or described) of chief executive officer of the authority;

and

(b) by inserting after definition of “the repealed Act” the following definition:

“supply operations”, in relation to an authority, means the acquisition of goods required by the authority for its operations and includes the distribution and management of the goods and their subsequent disposal.

**Substitution of s. 7**

4. Section 7 of the principal Act is repealed and the following section is substituted:

**Constitution of the Board**

7. (1) The Board is to consist of—

(a) the chief executive officer of the Department of State Services (who will chair the Board);

and

- (b) five other members appointed by the Governor.
- (2) Of the members appointed by the Governor—
- (a) two must be members or officers of public authorities or prescribed public authorities;
- (b) one must be a person with knowledge and experience of private industry or commerce;
- (c) one must be a person with knowledge and experience of economic and industrial development;
- and
- (d) one must be a person nominated by the United Trades and Labor Council.

### **Meetings of the Board**

5. Section 9 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

- (1) The member appointed to chair the Board must chair the meetings of the Board at which he or she is present, and, in the absence of that member from a meeting, the members present must decide who is to chair the meeting.

### **Insertion of new ss. 14a and 14b**

6. The following sections are inserted after section 14 of the principal Act:

#### **Responsibility of chief executive officers in relation to supply operations**

14a. The chief executive officer of a public authority is responsible for the efficient and cost effective management of the supply operations of the authority subject to and in accordance with the policies, principles, guidelines and directions of the Board.

#### **Acquisition of services for public authorities**

14b. The Board may undertake the acquisition of services for a public authority at the request of the authority or the Minister.

### **The Board and prescribed public authorities**

7. Section 15 of the principal Act is amended by striking out from subsection (1) “acquisition, distribution, management or disposal of goods by” and substituting “supply operations of”.

### **Report on operation and effectiveness of Act**

8. Section 23 of the principal Act is amended by striking out from subsection (1) “within 3 months after the third anniversary of the date of commencement of this Act” and substituting “before 31 December 1994”.

## SCHEDULE

The provisions of the principal Act are further amended as follows:

Section Amended	How Amended
Long title	Strike out "to repeal the Public Supply and Tender Act, 1914;"
Section 2	Strike out this section.
Section 3	Strike out this section.
Section 4	Insert in paragraph (a) of the definition of "public authority" "or other administrative unit" after "department"; Strike out the definition of "the repealed Act".
Section 5	Strike out paragraphs (f), (g), (h), (i) and (j) and substitute— (f) the University of South Australia; or (g) a local government body.
Section 6 (1)	Strike out this subsection and substitute— (1) The <i>State Supply Board</i> is continued in existence.
Section 6 (2) (a)	Strike out "shall continue" and substitute "continues".
Section 6 (2) (b)-(e)	Strike out "shall be" (wherever occurring) and substitute, in each case, "is".
Section 6 (2) (e)	Strike out "hold" and substitute "holds".
Section 6 (2) (f)	Strike out "shall have" and substitute "has".
Section 6 (3)	Strike out "shall" and substitute "is to".
Section 6 (4)	Strike out this subsection.
Section 8 (1)	Strike out "shall" (first occurring) and substitute "must"; Insert "or her" after "his"; Strike out "shall be" (second occurring) and substitute "is".
Section 8 (3) (a) and (b)	Insert "or her" after "his" (twice occurring).
Section 8 (4)	Strike out "shall become" and substitute "becomes"; Strike out "he" (wherever occurring) and substitute, in each case, "the member".
Section 8 (4) (b)	Strike out "his" and substitute "the member's".
Section 8 (5)	Strike out "shall" and substitute "must".
Section 9 (2)	Strike out "shall" (first occurring); Strike out "shall" (second occurring) and substitute "may".
Section 9 (3)	Strike out "shall be" and substitute "is".
Section 9 (4)	Strike out "shall be" and substitute "is"; Strike out "shall, in the event of an equality of votes, have" and substitute "has, in the event of an equality of votes,".
Section 9 (5)	Strike out "shall" and substitute "must".
Section 9 (6)	Strike out "shall" and substitute "may".
Section 10 (1)	Strike out "shall not be" and substitute "is not".
Section 10 (2)	Strike out "shall attach" and substitute "attaches"; Strike out "his or its".
Section 10 (3)	Strike out "shall lie" and substitute "lies".
Section 11 (1) (a)	Strike out "shall" and substitute "must"; Insert "or she" after "he"; Insert "or her" after "his".
Section 11 (1) (b)	Strike out "shall" and substitute "must".
Section 11 (2)	Strike out "shall not" and substitute "is not to".
Section 11 (3)	Strike out "shall" and substitute "must".
Section 12	Strike out "shall" and substitute "is"; Strike out "be" (first occurring).

Section Amended	How Amended
Section 17 (2)	Strike out "shall" and substitute "must".
Section 18 (1) and (2)	Strike out these subsections and substitute— (1) The Board is to be provided with such staff (comprised of persons employed in the public service of the State) as is necessary for the purposes of the Act. (2) The Board may, with the approval of the Minister administering any administrative unit of the public service, upon terms and conditions mutually arranged, make use of the services of persons employed in that administrative unit.
Section 20	Strike out "shall" and substitute "may".
Section 21 (1)	Strike out "shall" and substitute "must".
Section 21 (2)	Strike out "shall" and substitute "must".
Section 21 (3)	Strike out this subsection.
Section 22 (1)	Strike out "shall, on or before the thirty-first day of October" and substitute "must, on or before 30 September".
Section 22 (2)	Strike out "shall" and substitute "must".
Section 22 (3)	Strike out "shall" and substitute "must"; Strike out "his".
Section 23 (1)	Strike out "shall" and substitute "must".
Section 23 (2)	Strike out "shall" and substitute "must".
Section 23 (3)	Strike out "shall" and substitute "must"; Strike out "his".

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

ROMA MITCHELL Governor