

1967

VICTORIA.



ANNO SEXTO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7547

An Act to amend the Law relating to Instruments and Securities and for other purposes.

[17th March, 1967.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Instruments (Corporate Bodies Contracts) Act 1967*. Short title.

(2) In this Act the *Instruments Act 1958* is called the Principal Act. Principal Act No. 6279 as amended by Nos. 6438, 6505, 6531, 6867, 6886.

(3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

2. The Principal Act is hereby amended as follows :—

(a) In section 1 after the expression "Part V.—Public Contracts s. 31." there shall be inserted the expression "Part VA.—Corporate Bodies Contracts s. 31A." ; Amendment of No. 6279 s. 1.

(b) After Part V. there shall be inserted the following Part :— No. 6279. New Part VA.

"PART VA.—CORPORATE BODIES CONTRACTS.

31A. (1) So far as the formalities of making varying or discharging a contract are concerned, any person acting under the authority express or implied of a body corporate may make, Contracts made &c. by corporate bodies.

vary

vary or discharge any contract in the name or on behalf of the body corporate in the same manner as if that contract were made, varied or discharged by a natural person.

(2) The making variation or discharge of a contract according to this section shall be effectual in law and shall bind the body corporate and its successors and all other parties thereto.

(3) Nothing in this section shall be taken as preventing a body corporate from making, varying or discharging a contract under its common seal.

(4) This section shall not apply to the making variation or discharge of a contract before the commencement of the *Instruments (Corporate Bodies Contracts) Act 1967* but shall apply whether the body corporate gave its authority before or after the commencement of the *Instruments (Corporate Bodies Contracts) Act 1967*.

(5) Nothing in this section shall limit the operation or effect of any enactment which requires any sanction or consent to be obtained or any procedure to be complied with either before or after any contract is made, varied or discharged.

(6) This section shall apply to a body corporate wherever incorporated but shall not apply to any company within the meaning of the *Companies Act 1961*."

3. The Acts mentioned in the Schedule to the extent to which they are therein expressed to be repealed or amended are hereby repealed or amended accordingly.

Repeal and
amendment.

SCHEDULE.

Section 3.

1.

Number of Act.	Title of Act.	Extent of Repeal.
6228	<i>Country Roads Act 1958</i> ..	Sub-sections (2) and (3) of section 116
6254	<i>Forests Act 1958</i>	Clauses 2 and 3 in Part B of the Fourth Schedule
6262	<i>Geelong Harbor Trust Act 1958</i> ..	Section 53
6263	<i>Geelong Waterworks and Sewerage Act 1958</i>	Sections 26 and 27
6266	<i>Grain Elevators Act 1958</i> ..	Section 34
6268	<i>Harbor Boards Act 1958</i> ..	Section 67
6299	<i>Local Government Act 1958</i> ..	Section 502
6311	<i>Melbourne and Metropolitan Tramways Act 1958</i>	Clause 2 in Part C of the Third Schedule
6312	<i>Melbourne Harbor Trust Act 1958</i>	Sub-section (3) of section 74
6355	<i>Railways Act 1958</i>	Sub-section (1) of section 99
6368	<i>Sewerage Districts Act 1958</i> ..	Sections 44 and 45
6377	<i>State Electricity Commission Act 1958</i>	Sixth Schedule under the heading "Contracts" clauses 2 and 3
6413	<i>Water Act 1958</i>	Section 37

2. In sub-section (3) of section 52 of the *Geelong Harbor Trust Act 1958* the words "shall be in writing and" shall be repealed. No. 6262.

3. In paragraph (a) of section 25 of the *Geelong Waterworks and Sewerage Act 1958* the words "shall be in writing and" shall be repealed. No. 6263.

4. For sub-section (3) of section 66 of the *Harbor Boards Act 1958* there shall be substituted the following sub-section:— No. 6268.

"(3) Every such contract—

(a) shall specify the several works to be done and the materials to be furnished and the prices to be paid for the same, and the times within which the said works are to be completed and the said materials to be furnished and the penalties to be suffered in case of non-performance thereof; and

(b) may specify the person to whose satisfaction the same are to be completed or furnished and the mode of determining any dispute which may arise concerning or in consequence of the contract."

5. For section 28 of the *Industrial and Provident Societies Act 1958* there shall be substituted the following section:— No. 6277.

"28. A signature purporting to be made by a person holding any office in a society attached to a writing whereby any contract purports to be made varied or discharged by or on behalf of the society shall *prima facie* be taken to be the signature of a person holding at the time when the signature was made the office so stated."

6. For section 37 of the *Melbourne and Metropolitan Board of Works Act 1958* there shall be substituted the following section:— No. 6310.

"37. (1) The Board may enter into contracts with any person for the execution of any works directed or authorized by this Act to be done by the Board or for furnishing materials or for any other things necessary for the purposes of this Act.

(2) Every such contract shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed or materials furnished and the penalties to be suffered in the case of non-performance thereof."

7. In section 43 of the *Sewerage Districts Act 1958* the words "shall be in writing and" shall be repealed. No. 6368.