

WESTERN AUSTRALIA.



ANNO SEPTIMO

GEORGI QUINTI REGIS,

XXXII.

No. 12 of 1917.

AN ACT to regulate the establishment, carrying on, and management of Trading Concerns by the Government of the State, and to authorise the continuance or disposal of certain Trading Concerns, and for other relative purposes.

[Assented to 28th March, 1917.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *State Trading Concerns Act, 1916*, and shall come into operation on a date to be fixed by proclamation. Short title.
Commencement.
2. The Government Trading Concerns Act, 1912, is hereby repealed. Repeal.
3. The trading concerns mentioned in the Schedule hereto may be continued and carried on under and subject to the provisions of this Act. Continuance of
specified concerns
authorised.
4. (1) This Act shall apply to—
(a) The trading concerns mentioned in the Schedule hereto; Application of Act.

(b) Such other trading concerns as Parliament may hereafter authorise the establishment of and declare to be subject to this Act.

(2) No trading concerns, other than those to which this Act applies or shall apply, shall unless expressly authorised by Parliament be hereafter established or carried on by the Government of the State or by any person acting on behalf of such Government or under its authority.

(3) The expression "trading concern" means any concern carried on with the view to making profits or producing revenue, or of competing with any trade or industry now or to be hereafter established, or of entering into any business beyond the usual functions of State Government.

Funds.

5. The funds necessary for the establishment or carrying on of any trading concern shall be such moneys as may from time to time be appropriated by Parliament for the purpose.

Administration.
Trading concerns to
be under the control
of Minister.

6. (1) Every trading concern shall be under the control of a Minister of the Crown charged by the Governor from time to time with its administration and hereinafter referred to as the Minister.

(2) The Minister shall be a body corporate with perpetual succession and an official seal and may by such name as the Governor may determine hold real and personal property and sue and be sued in contract or in tort in respect of any matter relating to or connected with the trading concern or arising from the management, maintenance, or carrying on thereof.

(3) On the appointment of a Minister for any trading concern, all property, assets, and rights vested in the Crown or any person for the purposes of the concern shall become vested in the Minister, and all liabilities of the Crown in respect of the concern shall become liabilities of the Minister.

(4) A Minister appointed to control any of the trading concerns specified in the Schedule shall be deemed the successor of any Minister appointed for the control thereof under the Act hereby repealed, as if such last-mentioned Minister had been incorporated.

(5) No petition of right or other proceeding shall be presented to or maintained against the Crown for any matter in respect of which an action may be brought against a Minister under this section.

Banking account for
each concern to be
kept in Treasury.

7. (1) The Colonial Treasurer shall establish for each trading concern a banking account in the Treasury in the name of the concern.

(2) The Colonial Treasurer shall place to the credit of such banking account moneys appropriated by Parliament for the purposes of the trading concern, in such sums as

may appear to him to be necessary to meet the financial requirements of the concern.

(3) All moneys received or expended in connection with the operations of the concern shall be credited or debited in the banking account, together with such other moneys as are hereinafter directed to be entered in such account.

8. (1) There shall be entered and debited in each year in the banking account of each concern— Contribution of interest and sinking fund.

(a) Such amounts as shall be fixed by the Colonial Treasurer as the interest and sinking fund contributions payable for the year in respect of such portion of the General Loan Fund as shall have been applied to the purposes of the undertaking.

(b) Such further contributions to a sinking fund as may be approved by the Colonial Treasurer to be necessary to produce the principal of the afore-said portion of the General Loan Fund or any other capital expenditure at such earlier date (if any) as may be prescribed by the Governor.

(2) Such contributions shall be paid to the trustees appointed by the Governor for the administration of the State Sinking Fund as the Colonial Treasurer shall direct.

(3) The accrued interest on the sinking fund contributions as certified by the Under Treasurer and Controller General of Accounts shall be incorporated in the accounts of each trading concern.

9. (1) Interest on the daily balance of money provided out of the Consolidated Revenue Fund shall be charged in the books of each trading concern. The amount of such interest shall be paid to the credit of the Consolidated Revenue Fund half-yearly or at such other time as the Colonial Treasurer shall direct. Interest on capital expenditure from Revenue.

(2) The rate of interest shall be from time to time fixed by the Colonial Treasurer.

10. (1) There shall be entered and debited in the banking account of each trading concern such sum as in the opinion of the Colonial Treasurer represents the value of the use for the purposes of the concern of Government buildings or other property, or of part services of any Government officers not wholly employed upon the concern, or of services rendered by any Government Department. Charges for use of property and services.

(2) Any amount debited under this section shall be treated as revenue payable into the Consolidated Revenue Fund and shall be paid accordingly, as and when directed by the Colonial Treasurer; provided that, where a departmental vote has already been debited in the current financial

year, then the amount shall be credited to such vote or treated as a rebate of the departmental expenditure where the annual estimates of such department provide for a rebate of expenditure.

Withdrawal of money to credit.

11. All moneys placed to credit of an account in the books of the Treasury for the capital expenditure or working expenses of a trading concern shall be withdrawn by imprest or certificate, as provided in the regulations under this Act.

Temporary investment of moneys.

12. All moneys standing to the credit of an account for the capital expenditure of a trading concern may, until required for the purposes of the concern, be temporarily invested, as the Colonial Treasurer may direct, in any securities wherein moneys in the Public Account may lawfully be invested, and all interest thereon shall be paid to the credit of the account in respect of which the moneys have been invested.

Balance to be carried forward.

13. The balance standing to the credit of the banking account of a trading concern at the end of every financial year shall be applied as the Governor may direct, and, in the absence of any direction, shall be carried forward to the next year's account.

Accounts.

14. The Minister shall cause books to be provided and kept, and true and regular accounts to be entered therein—

(a) Of all moneys received and paid, and of all moneys owing to and by the Minister in respect of each trading concern administered by him, and of the several purposes for which such moneys are received and paid, and owing; and

(b) Of all the assets and liabilities thereof.

Depreciation.

15. The Colonial Treasurer shall determine the amount of the depreciation of the assets of any trading concern.

Annual estimates.

16. Annual estimates of the revenue and expenditure of every trading concern shall be prepared under such heads and in such manner as the Colonial Treasurer shall direct and submitted to Parliament separately from the Consolidated Revenue Fund Estimates.

Provision to meet deficiency pending appropriation.

17. (1) If the revenue receipts of any trading concern are insufficient to meet the working expenses during the financial year, the deficiency shall be provided out of the working capital shown in the Schedule to this Act, or provided by Parliamentary appropriation, as the case may be.

(2) If the funds (including working capital) of any trading concerns are insufficient to meet requirements during the financial year, the deficiency may be provided from the appropriation "Advance to Treasurer."

18. The profit or loss for each trading concern for each financial year, when ascertained, shall be treated in such manner as the Colonial Treasurer shall direct, but any profit available in cash and not required for the purposes of the concern shall be paid to the credit of the Consolidated Revenue Fund.

Profit and loss account.

19. The books of each trading concern shall be open to the inspection of the Auditor General, and any person authorised by the Auditor General to inspect the same, and copies or extracts may be taken therefrom.

Books may be inspected.

20. The accounts of each trading concern shall be balanced every year on the thirtieth day of June, or such other date as the Governor may prescribe.

Accounts to be balanced.

21. (1) The Minister shall, in every year, cause a full and true balance sheet of the assets and liabilities of each trading concern, together with a profit and loss account, and such other statements as may be necessary, to be compiled from the books and submitted to the Auditor General for audit.

Accounts to be audited.

(2) The Auditor General shall certify that he has found the accounts in order, or otherwise, as the case may be; and whether, in his opinion, the accounts are properly drawn up so as to present a true and correct view of the transactions for the period under review as shown by the books; and all items of receipts and payments and all known liabilities and assets have been brought into account, and the value of all assets fairly stated.

(3) The Auditor General shall, in respect to such accounts, have all the powers conferred on him by the Audit Act, 1904, but subject to such powers the provisions of the Audit Act, 1904, shall not apply to the trading concerns under this Act.

(4) The Auditor General shall arrange for a periodical or continuous audit of the accounts of the trading concerns.

22. Copies of such accounts, together with the Auditor General's report thereon, shall be laid before both Houses of Parliament on or before the 30th of September in each year, if then sitting, or at the next ensuing session thereof.

Accounts and report to be laid before Parliament.

23. (1) Where any of the fixed or floating assets purchased out of Loan or Revenue Funds not provided under this Act or the Government Trading Concerns Act, 1912, have been or may hereafter be transferred to a trading concern such assets shall be deemed the assets of such concern, and shall be incorporated by transfer entries in the books of the trading concern.

Transfer of Assets to a Trading Concern.

(2) The Colonial Treasurer shall require the trading concern to be charged annually with interest, and a contribution to the sinking fund on the capital value (as may be determined) of such assets.

(3) The rate of interest and contribution to the sinking fund shall be fixed by the Colonial Treasurer.

Transfer of assets
between Trading
Concerns.

24. 1) Where any of the assets of a trading concern purchased out of the funds provided under this Act or the Government Trading Concerns Act, 1912 have been transferred to another trading concern in existence or hereinafter to be created, transfer entries shall be passed in the books of each concern, reducing and increasing the capital of the concerns.

(2) The proportion of interest and sinking fund contribution charges in respect to such assets, shall be adjusted accordingly, or in such manner as the Colonial Treasurer shall direct.

Power to sell or
lease trading
concerns.

25. Subject as hereinafter provided, the Minister may sell or lease any trading concern for such amount, and upon such terms and conditions as may be approved by the Governor in Council:

Provided that possession shall not be given to an intended purchaser or lessee under a contract of sale or agreement for lease until the approval of Parliament has been obtained.

Application of
proceeds of sale of
assets.

26. The proceeds of the sale of any assets of a trading concern shall be applied in reduction of the capital of such concern, and in the books of the Treasury the proceeds shall be placed to the credit of the Government Property Sales Fund.

Settlement of
disputes.

27. All matters in dispute between a trading concern and any Government department arising out of the operations of such trading concern shall be referred to the Colonial Treasurer, and the decision of the Colonial Treasurer upon all such matters in dispute shall be final.

Regulations.

28. The Governor may make regulations for carrying out this Act, and such regulations shall supersede those made under the provisions of the Audit Act, 1904, in their application to the accounts of the said trading concerns.

THE SCHEDULE.

Name of Concern.	Nature of Operations.	Amount of Fixed Capital at 30th June, 1916.	Amount of Working Capital at 30th June, 1916.	Amount of additional Capital necessary to meet requirements after 30th June, 1916.			Capital—Grand Total.
				Fixed.	Working.	Total.	
State Saw Mills ..	Felling, conversion, and marketing of timber, including all expenses incurred in dealing, purchasing, selling, and transportation (local and overseas), and any other business appertaining or incidental to the Timber Trade. Trading and General Stores, and performing services incidental to settlements at various Timber Stations. Chartering of vessels for transport of timber and return freights, payment of wages, purchase of ships' stores, maintenance, etc., necessary to the navigation of vessels so chartered.	£ 241,156	£ 108,000	£ ..	£ 30,000	£ 30,000	£ 379,156
State Brick Works..	Production and sale of all classes of pressed and other bricks, and any other business appertaining or incidental to brick-making or brick yards, with shale and clay deposits.	28,076	2,314	..	2,000	2,000	32,390
State Implement and Engineering Works	General engineering and jobbing work, manufacture, and sale of agricultural and farming machinery, accessories, and spare parts; purchase and sale of imported agricultural and farming machinery, spare parts, oil, twine, and general farming and agricultural sundries, and the carrying on of any business appertaining or incidental to above, including the purchase of stores and raw material required; establishing of Agencies on Commission, etc.	94,470	230,530	..	50,000	50,000	375,000
State Quarry, Boya	General quarrying of diorite and granite, selling of building stone, blocks, spalls, crushed metal, dust and any business appertaining to or incidental to quarrying.	4,700	1,500	..	800	800	7,000
State Shipping Service	To manage, maintain, control, and operate vessels purchased, taken on lease or hire or acquired by the Government of Western Australia. To establish agencies and depots and to perform all such acts as may be necessary in the conduct of a shipping business. To act as Agents for the Government of Western Australia or any other persons in connection with the operating of vessels or cargo. To carry on any other business on behalf of the Government of Western Australia that can be conveniently conducted in conjunction with above.	242,000	60,000	23,000	35,000	58,000	360,000
State Hotels ..	Licensed Victualler. To carry out the provisions of Part VI. of the Licensing Act in accordance with Local Option Poll taken in 1911.	39,400	Nil	850	250	1,100	40,500
Meat Distribution ..	Retailing meat, and all acts necessary and incidental thereto for the purpose of controlling the retail price thereof.	985	1,000	600	2,000	2,600	4,585
Shipment of North-West Cattle	Purchasing and shipping cattle from North-West to Metropolis for purpose of ensuring supplies during War and regulating wholesale prices of meat.	Nil	Nil	..	10,000	10,000	10,000
State Ferries ..	To provide traffic facilities between Perth and South Perth	13,000	1,000	..	1,000	1,000	15,000
State Fish Supply ..	To procure fish and retail to the public, and all acts incidental of and necessary thereto.	6,100	1,000	600	1,000	1,600	8,700