



Western Australia

Western Australian Meat Industry Authority Amendment Act 1998

No. 46 of 1998

An Act to amend the Western Australian Meat Industry Authority Act 1976 and the Statutory Corporations (Liability of Directors) Act 1996.

[Assented to 19 November 1998]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Western Australian Meat Industry Authority Amendment Act 1998*.

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2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. The Act amended

The amendments in this Act are to the *Western Australian Meat Industry Authority Act 1976**[unless otherwise indicated].

[* *Act No. 75 of 1976.*

For subsequent amendments see 1997 Index to Legislation of Western Australia, Table 1, p. 252 and Act No. 10 of 1998.]

4. Section 7 amended

(1) After section 7(1) the following subsections are inserted —

“

(1a) The Authority is a body corporate with perpetual succession.

(1b) Proceedings may be taken by or against the Authority in its corporate name.

”

(2) After section 7(3) the following subsection is inserted —

“

(4) Subsection (3) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996.*

”

5. Section 14 amended

Section 14 is amended —

(a) by inserting after the section designation “**14.**” the subsection designation “(1)”; and

(b) by inserting the following subsection —

“

(2) Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

”

6. Heading inserted

After section 15 the following heading is inserted —

“

Part IIA — Financial provisions

”

7. Section 15B amended

(1) Section 15B(2) is amended —

- (a) by deleting “and” after paragraph (a); and
- (b) by inserting after paragraph (a) the following paragraph —

“

(aa) moneys borrowed by the Authority under section 15C or 15D; and

”

(2) Section 15B(3) is amended by inserting after paragraph (a) the following paragraph —

“

(aa) for the payment of interest on, fees payable in respect of and repayments of moneys borrowed by the Authority under section 15C or 15D;

”

8. Sections 15C, 15D, 15E and 15F inserted

After section 15B the following sections are inserted —

“

15C. Borrowing from Treasurer

The Authority may borrow from the Treasurer such amounts as the Treasurer approves on such terms and conditions relating to repayment and payment of interest as the Treasurer imposes.

15D. Other borrowing

- (1) In addition to its powers under section 15C, the Authority may with the prior written approval of the Treasurer and on such terms and conditions as the Treasurer approves, borrow moneys for the purpose of performing its functions.
- (2) Any moneys borrowed by the Authority under subsection (1) may be raised —
 - (a) as one loan or as several loans; and
 - (b) in such manner as the Treasurer approves.
- (3) The total amount of the moneys so borrowed in any one financial year is not to exceed such amount as the Treasurer approves.

15E. Guarantee by Treasurer

- (1) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee the payment of any moneys payable by the Authority in respect of moneys borrowed by it under section 15D.
- (2) A guarantee is to be in such form and contain such terms and conditions as the Treasurer determines.

- (3) Before a guarantee is given the Authority is to —
 - (a) give to the Treasurer such security as the Treasurer requires; and
 - (b) execute all instruments that are necessary for the purpose.

15F. Effect of guarantee

- (1) The due payment of moneys payable by the Treasurer under a guarantee given under section 15E is to be —
 - (a) made by the Treasurer; and
 - (b) charged to, and paid out of, the Consolidated Fund,

and this subsection appropriates that Fund accordingly.

- (2) The Treasurer is to cause to be credited to the Consolidated Fund any amounts received or recovered from the Authority or otherwise in respect of any payment made by the Treasurer under a guarantee given under section 15E.

”.

9. Section 16 amended

Section 16(2) is repealed.

10. Sections 16A, 16B and 16C inserted

After section 16 the following sections are inserted —

“

16A. Powers

- (1) The Authority has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

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- (2) Without limiting subsection (1) or the other powers conferred on the Authority by this Act, the Authority may —
- (a) acquire, hold, manage, improve, develop and dispose of real and personal property;
 - (b) enter into any contract or arrangement;
 - (c) with the approval of the Minister, and subject to subsection (3) —
 - (i) participate in any business arrangement;
and
 - (ii) acquire, hold and dispose of units or other interests in, or relating to, any business arrangement;
- and
- (d) appoint agents or engage persons under contracts for services to provide professional, technical or other assistance to the Authority.
- (3) The Authority shall not exercise its powers under subsection (2)(c) except for the purpose of, or in relation to, the performance of its functions under section 16(1)(d) or (e).
- (4) In exercising any power under this section the Authority may act in conjunction with —
- (a) any person or firm, or a public authority; or
 - (b) any department of the Public Service or any agency of the State or the Commonwealth.
- (5) In this section —
- “**acquire**” includes taking on lease or licence or in any other manner in which an interest in property may be acquired;

“**business arrangement**” means a partnership, a trust, a joint venture or an arrangement for sharing profits;

“**dispose of**” includes dispose of by way of lease;

“**participate**” includes form, promote, establish, enter into, manage, dissolve, wind up and do anything incidental to participating in a business arrangement.

16B. Authority to apportion expenditure, liabilities and benefits

(1) In this section —

“**expenditure**” includes the costs of administration, provision for reserves, depreciation and the repayment of loans.

(2) The Authority shall, in such manner as it considers appropriate, apportion between —

- (a) its operations relating to its functions under section 16(1)(d); and
- (b) its operations relating to its other functions,

any expenditure or liability incurred or moneys or other benefit received in respect of a transaction which does not relate exclusively to operations of a particular kind.

(3) If any asset which is derived solely from the operations referred to in a paragraph of subsection (2) is employed wholly or partly for the benefit of the operations referred to in the other paragraph of that subsection, the Authority shall make an appropriate charge for the asset for the credit of the operations from which the asset is derived.

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- (4) Nothing in this section shall be construed as precluding the Authority from employing any moneys or other asset, however derived, for the general purposes of the Authority or for a purpose that relates exclusively to its operations of a particular kind.

16C. Delegation

- (1) The Authority may, by instrument in writing, delegate the performance of any of its functions under section 16(1)(d).
- (2) A delegation under subsection (1) may be made —
 - (a) to a member or members of the Authority;
 - (b) to an officer or employee of the Authority; or
 - (c) with the approval of the Minister, to any other person.
- (3) A function performed by a delegate is to be taken to be performed by the Authority.
- (4) Nothing in this section is to be read as limiting the ability of the Authority to act through its officers and agents in the normal course of business.

”

11. Section 25A inserted

After section 25 the following section is inserted —

“

25A. Execution of documents by Authority

- (1) The Authority is to have a common seal.

- (2) A document is duly executed by the Authority if—
 - (a) the common seal of the Authority is affixed to it in accordance with subsections (3) and (4); or
 - (b) it is signed on behalf of the Authority by a person or persons authorized to do so under subsection (5).
- (3) The common seal of the Authority is not to be affixed to any document except as authorized by the Authority.
- (4) The common seal of the Authority is to be affixed to a document in the presence of 2 members of the Authority, and each of them is to sign the document to attest that the common seal was so affixed.
- (5) The Authority may, by writing under its seal, authorize a member or members of the Authority or a member or members of staff to sign documents on behalf of the Authority, either generally or subject to such conditions or restrictions as are specified in the authorization.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed until the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the Authority, it is to be presumed that the seal is the common seal of the Authority until the contrary is shown.

”.

12. Consequential amendment to *Statutory Corporations (Liability of Directors) Act 1996*

Schedule 1 to the *Statutory Corporations (Liability of Directors) Act 1996** is amended by inserting in the appropriate alphabetical position the following —

“

<i>Western Australian Meat Industry Authority</i>	a member of the Authority	<i>Western Australian Meat Industry Authority Act 1976</i>
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”

[* *Act No. 41 of 1996.*

For subsequent amendments see Acts No. 4 and 30 of 1998.]