

WESTERN AUSTRALIA

**STATE TRADING CONCERNS
AMENDMENT ACT 1997**

No. 18 of 1997

AN ACT to amend the *State Trading Concerns Act 1916*.

[Assented to 8 July 1997.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *State Trading Concerns Amendment Act 1997*.

Commencement

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

Principal Act

3. In this Act the *State Trading Concerns Act 1916** is referred to as the principal Act.

[* *Reprinted as at 9 February 1973.*
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 210-11
and Act No. 49 of 1996.]

Section 4 amended

4. Section 4 (2) of the principal Act is amended by inserting after "Parliament" the following —

“ or under section 4A ”.

Section 4A inserted

5. After section 4 of the principal Act the following section is inserted —

“

Certain activities may be authorized by regulation

4A. (1) In this section —

“**accountable officer**” has the meaning given by section 3 of the *Financial Administration and Audit Act 1985*;

“financial entity” means —

- (a) a department of the Public Service; or
- (b) an entity which forms part of a department of the Public Service and which has an accountable officer other than the chief executive officer of the department;

“Minister responsible”, in relation to a financial entity, means the Minister within the meaning of the *Financial Administration and Audit Act 1985*.

(2) A trading concern is authorized for the purposes of section 4 (2) if —

- (a) the trading concern is carried on by a prescribed financial entity;
- (b) the trading concern consists of a prescribed activity involving the provision of —
 - (i) goods, information or intellectual property;
 - (ii) scientific, technical, educational, training, management or advisory services; or
 - (iii) advertising opportunities or opportunities to participate in arrangements in the nature of advertising or having a purpose similar to advertising;

and

- (c) the amount of any fee or charge imposed by the financial entity in the course of carrying on the trading concern has been approved by the Minister responsible for the financial entity.

(3) For the purposes of this section, the amount of a fee or charge that is determined in a manner that has been approved by the Minister responsible for a financial entity is to be regarded as having been approved by that Minister.

(4) The Minister responsible for a financial entity may delegate the power to give approval under subsection (2) (c) or (3) in relation to fees or charges imposed by the financial entity to the accountable officer of the financial entity.

(5) A reference in this section to the carrying on of a trading concern by a financial entity includes a reference to the carrying on of a trading concern by the State for that financial entity.

”.

Section 28 repealed and a section substituted

6. Section 28 of the principal Act is repealed and the following section is substituted —

“

Regulations

28. The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

”.