

WESTERN AUSTRALIA

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**HORTICULTURAL PRODUCE  
COMMISSION AMENDMENT  
ACT 1993**

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**No. 29 of 1993**

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**AN ACT to amend the Horticultural Produce Commission Act 1988.**

*[Assented to 15 December 1993.]*

The Parliament of Western Australia enacts as follows:

**Short title**

1. This Act may be cited as the *Horticultural Produce Commission Amendment Act 1993*.

**Commencement**

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

**Principal Act**

3. In this Act the *Horticultural Produce Commission Act 1988\** is referred to as the principal Act.

[\* Act No. 75 of 1988.]

**Section 6 amended**

4. Section 6 of the principal Act is amended by repealing subsection (3).

**Sections 6A and 6B inserted**

5. After section 6 of the principal Act the following sections are inserted —

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**Directions by Minister**

**6A.** (1) The Minister may give directions in writing to the Commission with respect to the performance of its functions either generally or in relation to a particular matter, and the Commission shall give effect to such direction.

(2) The text of any direction given under subsection (1) shall be included in the annual report submitted by the Commission under section 66 of the *Financial Administration and Audit Act 1985*.

**Minister to have access to information**

**6B.** (1) For parliamentary purposes or for the proper conduct of the Minister's public business, the Minister is entitled —

- (a) to have information in the possession of the Commission; and
- (b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may —

- (a) request the Commission to furnish information to the Minister;
- (b) request the Commission to give the Minister access to information;
- (c) for the purposes of paragraph (b) make use of the staff of the Commission to obtain the information and furnish it to the Minister.

(3) The Commission shall comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

(4) In this section —

**“document”** includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

**“information”** means information specified, or of a description specified, by the Minister that relates to the functions of the Commission;

**“parliamentary purposes”** means the purpose of —

- (a) answering a question asked in a House of Parliament; or
- (b) complying with a written law, or an order or resolution of a House of Parliament, that requires information to be furnished to a House of Parliament.

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**Section 10 amended**

6. Section 10 of the principal Act is amended —

- (a) by repealing subsection (8); and
- (b) in subsection (9), by deleting “(8)” and substituting the following —  
“ (7) ”.

**Section 25 amended**

7. Section 25 (2) of the principal Act is amended in paragraph (b) by inserting after “poll” where secondly occurring the following —

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and determining the manner in which the results of a poll shall be ascertained

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