

STATE TRADING CONCERNS.

5° Elizabeth II., No. XXVI.

No. 26 of 1956.

AN ACT to amend the State Trading Concerns Act, 1916-1950, to provide for the Amalgamation of the State Trading Concerns known as the State Saw Mills and the State Brick Works and for other incidental purposes.

[Assented to 29th November, 1956.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *State Trading Concerns Act Amendment Act, 1956.*

Short title
and citation.

(2) In this Act the State Trading Concerns Act, 1916-1950,

Act No. 12 of 1917 as affected by Act No. 38 of 1945 and as amended by Acts No. 46 of 1930, No. 5 of 1932 (repealed by Act No. 52 of 1948), No. 11 of 1932 and No. 10 of 1950,

is referred to as the principal Act.

(3) The principal Act, as amended by this Act, may be cited as the State Trading Concerns Act, 1916-1956.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

S. 26B added.

3. The principal Act is amended by adding after section twenty-six A the following section:—

Amalgama-
tion of State
Saw Mills
and State
Brick Works
into one
trading
concern as
State
Building
Supplies.

26B. (1) In this section—

“appointed day” means the day on which the State Trading Concerns Act Amendment Act, 1956, comes into operation;

“Minister” means Minister of the Crown for the time being charged with the administration of the trading concern formed, pursuant to this section, by the amalgamation of the State trading concerns known as State Saw Mills and State Brick Works.

(Cf. s. 6
ante).

(2) (a) On the appointed day the State trading concerns mentioned in the Schedule to this Act, which immediately prior to that day were known and being carried out as State Saw Mills and State Brick Works shall, by force of this section, become amalgamated and form one trading concern.

(b) The Governor may from time to time charge one of the Ministers of the Crown with the administration of the trading concern so formed.

(c) The trading concern so formed shall on and after the appointed day be subject to this Act and be carried on under the control of the Minister who shall be a body corporate by the name of "State Building Supplies," with perpetual succession and an official seal, and may by that name and for the purposes of the trading concern 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 it or arising from the management, maintenance, or carrying on of the concern.

(d) Upon the amalgamation of the trading concerns referred to in paragraph (a) of this subsection—

(i) all the property, assets and rights vested in the corporate bodies by and in whose names those concerns were, prior to the amalgamation, carried on

or

in any other person or body for the purposes of both or either of those concerns

shall cease to be so vested and shall be vested in the Minister;

(ii) all the liabilities and obligations of both or either of those concerns shall become the liabilities and obligations of the Minister;

(iii) the corporate bodies by and in whose names those concerns were, prior to the amalgamation, carried on shall be dissolved.

(e) On and after the amalgamation so referred to—

(i) actions and other proceedings already commenced by or against either of those concerns may be continued by or against the Minister;

- (ii) actions and other proceedings which at the date of the amalgamation could have been brought by or against either of those concerns may be brought by or against the Minister.

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

(4) Upon application by the Minister persons authorised or required by Act to record transactions affecting estates and interests in land shall make such records as are necessary to give effect to the vesting in the Minister of any estate or interest in land in accordance with the provisions of this section.

(5) For the purposes of section seventeen of this Act, the working capital of the trading concern formed by the amalgamation of the trading concerns as provided in subsection (2) of this section shall be the aggregate of the working capital of both those concerns as at the appointed day.

The
Schedule
am

4. The Schedule to the principal Act is amended—
- (a) by substituting for the name "State Saw Mills" in the first column the name "State Building Supplies";
 - (b) by deleting all the figures appearing as the first items in the third, fourth, sixth, seventh and eighth columns;
 - (c) by deleting from the first column the name "State Brick Works" being the second item in that column;
 - (d) by deleting all the figures appearing as the second items in the third, fourth, sixth, seventh and eighth columns