

Approved for Reprint, 9th February, 1973.

WESTERN AUSTRALIA.

# STATE TRADING CONCERNS.

No. 12 of 1917.<sup>1</sup>

(Affected by Acts No. 38 of 1945, Sec. 2; No. 42 of 1959, Sec. 6; and No. 113 of 1965, Sec. 8.)

[As amended by Acts:

- No. 46 of 1930, assented to 30th December, 1930;
- No. 5 of 1932<sup>2</sup>, assented to 31st October, 1932;
- No. 10 of 1950, assented to 17th November, 1950;
- No. 26 of 1956<sup>3</sup>, assented to 29th November, 1956;
- No. 9 of 1968, assented to 26th September, 1968;
- No. 25 of 1972, assented to 9th June, 1972;

and reprinted pursuant to the Amendments Incorporation Act, 1938.<sup>4</sup>]

**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—

1. This Act may be cited as the *State Trading Concerns Act, 1916-1972*, and shall come into operation on a date to be fixed by proclamation.<sup>1</sup>

Short title.  
Commence-  
ment.  
No. 25 of  
1972, s. 1.

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 The Government Trading Concerns Act, 1912, is hereby repealed.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.

Continu-  
ance of  
specified  
concerns  
authorised.

<sup>1</sup>Proclaimed to come into operation 1st April, 1917. See *G.G.* 25/5/17, p. 849.

<sup>2</sup>Proclaimed to come into operation 1st April, 1933. See *G.G.* 13/4//33, p. 564 and repealed by Act No. 52 of 1948, Sect. 3.

<sup>3</sup>Proclaimed to come into operation 1st July, 1957. See *G.G.* 24/5/57, p. 1491.

<sup>4</sup>Also amended by Act No. 11 of 1932, but provisions not included in this reprint as amending Act was never proclaimed to come into operation.

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Application  
of Act.

4. (1) This Act shall apply to—
- (a) the trading concerns mentioned in the Schedule hereto;
  - (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.

Administra-  
tion.  
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 lastmentioned 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.

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

Banking account for each concern to be kept in Treasury.

(2) The 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.

7A. (1) In this section, "Concern" means—

(a) The West Australian Meat Export Works established as a State Trading Concern under that name pursuant to section three of the West Australian Meat Export Works Act, 1942;

Power of certain State Trading Concerns to borrow money. Added by No. 9 of 1968, s. 2. Amended by No. 25 of 1972, s. 2.

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- (b) the State Implement and Engineering Works mentioned in the Schedule to this Act.

(2) Subject to subsection (3) of this section, a Concern may, with the approval of the Governor, borrow moneys from time to time on the security of the whole or part of its assets or upon a guarantee as provided in subsection (4) of this section—

- (a) for the effectual exercise of the Concern of its powers and functions under this Act;
- (b) to discharge the principal moneys and interest thereon owing by the Concern in respect of any existing loan or for the consolidation of the debts of the Concern;
- (c) for any other purpose approved by the Governor.

(3) The Governor shall not approve, for the purposes of subsection (2) of this section, unless a written proposal specifying—

- (a) the term and particulars of the proposed loan;
- (b) the rate of interest to be paid in relation to the amount of the proposed loan;
- (c) the purposes to which the amount of the proposed loan is to be applied;
- (d) the manner in which the proposed loan is to be repaid; and
- (e) the security to be given for the proposed loan,

*Vide s. 6  
ante.*

is first submitted by the Minister to, and approved by, the Treasurer.

(4) The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee repayment of the principal moneys and interest thereon in respect of moneys borrowed by

a Concern under this section and any liability of the Crown arising out of the guarantee is payable out of moneys in the Public Account, as defined in the Audit Act, 1904, which Account, to the necessary extent, is appropriated accordingly.

(5) Any moneys borrowed by a Concern under this section may be raised as one or several loans and in such manner as the Governor may approve.

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 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 Treasurer to be necessary to produce the principal of the aforesaid 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 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

Interest on capital expenditure from Revenue.

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credit of the Consolidated Revenue Fund half-yearly or at such other time as the Treasurer shall direct.

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

Charges  
for use of  
property  
and  
services.

10. (1) There shall be entered and debited in the banking account of each trading concern such sum as in the opinion of the 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.

(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 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 Treasurer may direct, in any securities wherein moneys in the

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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.

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.

Balance to be carried forward.

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

Accounts.

(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.

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

Depreciation.

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

Annual estimates.

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.

Provision to meet deficiency pending appropriation.

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(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."

Profit and  
loss  
account.

18. The profit or loss for each trading concern for each financial year, when ascertained, shall be treated in such manner as the 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.

Books may  
be in-  
spected.

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.

Accounts  
to be  
balanced.

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  
audited.

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.

(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 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 Treasurer.

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.

Transfer of assets between Trading Concerns.

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

Power to sell or lease Trading concerns. Amended by No. 46 of 1930. s. 2.

25. 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.

Application of proceeds of sale of assets.

26.<sup>1</sup> 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.

Discontinuance of State Quarry, Boya. Added by No. 10 of 1950, s. 3.

26A. (1) In this section—

“appointed day” means the thirty-first day of August, one thousand nine hundred and fifty;

Cf. No. 70 of 1912 s. 2; *Gazette* 23rd May, 1913, p. 1859; No. 12 of 1917, s. 3.

“concern” means the State trading concern known as the State Quarry, Boya;

Cf. No. 12 of 1917, s. 6.

“corporate body” means the corporate body authorised to carry on the concern;

Cf. *Gazette* of 15/8/1902, p. 3481.

“Reserve” means †8006 Greenmount (Quarries) vested in the Honourable the Minister for Works by Order in Council.

(2) On the appointed day, by virtue of this section—

- (i) the concern shall cease to be carried on and shall be abolished;
- (ii) the corporate body shall be dissolved;
- (iii) the Reserve until then vested in the corporate body by virtue of the provisions of subsection (3) of section 6 of this Act

<sup>1</sup>See Act No. 42 of 1959, S. 6.

shall cease to be so vested and shall re-vest in the Honourable the Minister for Works and be held by him as formerly by authority of the Order in Council referred to in the last preceding subsection;

- (iv) other property, if any remains undisposed of, shall cease to be vested in the corporated body and shall vest in the Honourable the Minister for Works to be held by him on behalf of Her Majesty to be dealt with as the Governor may direct.

**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.

Amalgama-  
tion of  
State Saw  
Mills and  
State Brick  
Works into  
one trading  
concern as  
State  
Building  
Supplies.  
Added by  
No. 26 of  
1956, s. 3.

(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.

(Cf. s. 6  
ante).

(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

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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.

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 Treasurer, and the decision of the Treasurer upon all such matters in dispute shall be final. Settlement of disputes.

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. Regulations.

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Amended by  
No. 5 of 1932,  
s. 3; No. 10 of  
1950; s. 4;  
No. 26 of  
1956, s. 4.

## 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 Building Supplies	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 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	....	....	....	....	....	....
State Implement and Engineering Works <sup>1</sup>	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.	188,940	461,060	....	100,000	100,000	750,000

<sup>1</sup>See footnote 4 on page 1.

## The Schedule—continued.

Name of Concern	Nature of Operations	Amount of Fixed Capital at 30th June, 1918	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 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	484,000	120,000	46,000	70,000	116,000	720,000
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	78,800	Nil	1,700	500	2,200	81,000
Meat Distribution ....	Retailing meat, and all acts necessary and incidental thereto for the purpose of controlling the retail price thereof	1,970	2,000	1,200	4,000	5,200	9,170
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	....	20,000	20,000	20,000
State Fish Supply ....	To procure fish and retail to the public, and all acts incidental of and necessary thereto	12,200	2,000	1,200	2,000	3,200	17,400

<sup>1</sup>See Act No. 42 of 1959.

