

Western Australia

## **State Trading Concerns Act 1916**

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## State Trading Concerns Act 1916

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## **State Trading Concerns Act 1916**

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## State Trading Concerns Act 1916

**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 to extend the functions of certain agencies, and for other relative purposes.**

*[Long title amended by No. 45 of 1999 s. 4.]*

### **1. Short title and commencement**

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

### **2. Repeal**

The *Government Trading Concerns Act 1912* is hereby repealed.

### **3. Continuance of specified concerns authorised**

The trading concerns mentioned in the Schedule may be continued and carried on under and subject to the provisions of this Act.

### **4. Application of Act**

- (1) This Act shall apply to —
- (a) the trading concerns mentioned in the Schedule;
  - (b) such other trading concerns as Parliament may hereafter authorise the establishment of and declare to be subject to this Act.

**s. 4A**

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- (2) No trading concerns, other than those to which this Act applies or shall apply, shall unless expressly authorised by Parliament or under section 4A 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.

*[Section 4 amended by No. 18 of 1997 s. 4.]*

**4A. Certain activities may be authorised by regulation**

- (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 authorised 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 (in the State or elsewhere) 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 4A inserted by No. 18 of 1997 s. 5; amended by No. 45 of 1999 s. 5.]*

#### **4B. Extension of statutory functions by regulation**

- (1) In this section —
- “**accountable authority**” has the meaning given by section 3 of the *Financial Administration and Audit Act 1985*;
  - “**chief executive officer**” has the meaning given by section 3 of the *Public Sector Management Act 1994*;
  - “**Minister**” means a Minister of the Crown;

**s. 4B**

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**“Minister responsible”**, in relation to a statutory corporation, means the Minister to whom the administration of the Act under which the statutory corporation is constituted is for the time being committed by the Governor;

**“statutory corporation”** means —

- (a) a Minister or chief executive officer who is constituted as a body corporate under an Act; or
  - (b) any other body corporate that is constituted for a public purpose under an Act and is an agency of the Crown in right of the State.
- (2) Subject to subsections (3) and (5), a prescribed statutory corporation can carry on a prescribed activity involving the provision (in the State or elsewhere) of —
- (a) goods, information or intellectual property;
  - (b) scientific, technical, educational, training, management or advisory services; or
  - (c) advertising opportunities or opportunities to participate in arrangements in the nature of advertising or having a purpose similar to advertising.
- (3) A statutory corporation (other than a Minister) cannot impose a fee or charge in the course of carrying on an activity authorised by subsection (2) unless the amount of the fee or charge has been approved by the Minister responsible for the statutory corporation.
- (4) Subsection (2) does not limit any other functions of a statutory corporation, and an activity authorised by subsection (2) may be carried on in addition to those other functions.
- (5) Subsection (2) has effect even if the Act under which a statutory corporation is constituted imposes a general prohibition or restriction on entry by the statutory corporation into business undertakings or arrangements, but subsection (2) does not authorise a statutory corporation to carry on an activity if



another enactment expressly prevents the statutory corporation from carrying on that activity.

- (6) For the purposes of subsection (3), the amount of a fee or charge that is determined in a manner that has been approved by the Minister responsible for a statutory corporation is to be regarded as having been approved by the Minister.
- (7) The Minister responsible for a statutory corporation may delegate the power to give approval under subsection (3) or (6) in relation to fees or charges imposed by the statutory corporation —
- (a) if the statutory corporation has an accountable authority, to the accountable authority; or
  - (b) if the statutory corporation is a chief executive officer, to the chief executive officer.
- (8) If a Minister is a statutory corporation, the Minister may delegate to the chief executive officer of the agency principally assisting the Minister in the administration of the Act under which the statutory corporation is constituted the power —
- (a) to fix the amount of a fee or charge to be imposed by the statutory corporation in the course of carrying on an activity authorised by subsection (2); or
  - (b) to specify the manner in which the amount of such a fee or charge is to be determined.
- (9) If, during a financial year, a statutory corporation enters into a contract in the course of carrying out an activity authorised by subsection (2)(c) —
- (a) the identity of the parties to the contract;
  - (b) the term of the contract;
  - (c) the amount of any fee or charge referred to in subsection (3) imposed by the statutory corporation in relation to the contract; and

- (d) any other information relating to the contract that the Minister responsible for the statutory corporation considers relevant,

are to be included in the annual report of the statutory corporation submitted for that financial year under the *Financial Administration and Audit Act 1985*.

- (10) If a contract referred to in subsection (9) —
  - (a) contains a provision of a kind prescribed for the purposes of this subsection; or
  - (b) is of a type prescribed for the purposes of this subsection,

the Minister responsible for the statutory corporation must cause a copy of the contract to be laid before each House of Parliament within 6 sitting days of the House after the contract is made.

- (11) If the contract is not in writing, the reference in subsection (10) to a copy of the contract is a reference to a document setting out the terms and conditions of the contract.

*[Section 4B inserted by No. 45 of 1999 s. 6.]*

**5. Funds**

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.

**6. Administration. Trading concerns to be under the control of Minister**

- (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

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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. Banking account for each concern to be kept in Treasury**

- (1) The Treasurer shall establish for each trading concern an account at the Treasury, forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*, in the name of the concern.
- (2) The Treasurer shall place to the credit of such 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 account, together with such other moneys as are hereinafter directed to be entered in such account.

*[Section 7 amended by No. 49 of 1996 s. 64.]*

*[7A. Repealed by No. 66 of 1984 s. 41.]*

**8. Contribution of interest and sinking fund**

- (1) There shall be entered and debited in each year in the banking account of each concern —
  - (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 Consolidated 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 Consolidated 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 shall be incorporated in the accounts of each trading concern.

*[Section 8 amended by No. 98 of 1985 s. 3; No. 6 of 1993 s. 15.]*

**9. Interest on capital expenditure from Revenue**

- (1) Interest on the daily balance of money provided out of moneys standing to the credit of the Consolidated Fund shall be charged in the books of each trading concern. The amount of such interest shall be credited to the Consolidated 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.

*[Section 9 amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64.]*

**10. Charges for use of property and services**

- (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 to be credited to the Consolidated Fund 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.

*[Section 10 amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64.]*

*[11. Repealed by No. 98 of 1985 s. 3.]*

**12. Temporary investment of moneys**

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 standing to the credit of the Public Bank Account constituted under the *Financial Administration and Audit Act 1985* may lawfully be invested, and all interest thereon shall be credited to the account in respect of which the moneys have been invested.

*[Section 12 amended by No. 98 of 1985 s. 3; No. 49 of 1996 s. 64.]*

**13. Balance to be carried forward**

The balance standing to the credit of the banking account of a trading concern at the end of every financial year shall be

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applied as the Governor may direct, and, in the absence of any direction, shall be carried forward to the next year's account.

**14. Accounts**

The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of every trading concern and its operations.

*[Section 14 inserted by No. 98 of 1985 s. 3.]*

**15. Depreciation**

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

*[16. Repealed by No. 98 of 1985 s. 3.]*

**17. Provision to meet deficiency pending appropriation**

- (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, or provided by Parliamentary appropriation, as the case may be.
- (2) If the funds (including working capital) of any trading concerns are insufficient to meet requirements during the financial year, the trading concern may borrow from the Treasurer.

*[Section 17 amended by No. 98 of 1985 s. 3.]*

**18. Profit and loss account**

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 credited to the Consolidated Fund.

*[Section 18 amended by No. 6 of 1993 s. 11; No. 49 of 1996 s. 64.]*

*[19-22. Repealed by No. 98 of 1985 s. 3.]*

**23. Transfer of assets to a trading concern**

- (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.
- (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. Transfer of assets between trading concerns**

- (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.
- (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.

**25. Power to sell or lease trading concerns**

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.

*[Section 25 amended by No. 46 of 1930 s. 2.]*

**26. Application of proceeds of sale of assets**

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 credited to the Government Property Sales Fund.

*[Section 26 amended by No. 49 of 1996 s. 64.]*

**26A. Discontinuance of State Quarry, Boya**

(1) In this section —

“**appointed day**” means 31 August 1950;

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

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

“**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 section 6(3) shall cease to be so vested and shall revert 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 corporate 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.

*[Section 26A inserted by No. 10 of 1950 s. 3.]*



**26B. Amalgamation of State Saw Mills and State Brick Works into one trading concern as State Building Supplies**

(1) In this section —

**“appointed day”** means the day on which the *State Trading Concerns Act Amendment Act 1956*<sup>1</sup>, 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.

(2)(a) On the appointed day the State trading concerns mentioned in the Schedule, 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) —

(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

**s. 26B**

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- 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 17, the working capital of the trading concern formed by the amalgamation of the trading concerns as provided in subsection (2) shall be the aggregate of the working capital of both those concerns as at the appointed day.

*[Section 26B inserted by No. 26 of 1956 s. 3.]*

**26C. The West Australian Meat Export Works**

(1) In this section —

**“appointed day”** means the day on which the *Acts Amendment (Western Australian Meat Commission) Act 1975*<sup>1</sup>, comes into operation;

**“concern”** means The West Australian Meat Export Works established as a State Trading Concern under that name pursuant to the *West Australian Meat Export Works Act 1942*<sup>2</sup>;

**“corporate body”** means the corporate body hitherto authorised to carry on the concern under this Act;

**“the Commission”** means the Western Australian Meat Commission<sup>3</sup> constituted pursuant to the *Abattoirs Act 1909*<sup>4</sup>.

(2) On and after the appointed day, pursuant to the provisions of the *Abattoirs Act 1909*<sup>4</sup> and by virtue of this section —

- (a) the concern shall cease to be carried on pursuant to this Act and shall be carried on by the Commission pursuant to the *Abattoirs Act 1909*<sup>4</sup>; and
- (b) the corporate body shall be deemed to have been preserved and continued in existence under and subject to the provisions of the *Abattoirs Act 1909*<sup>4</sup> under the name Western Australian Meat Commission<sup>3</sup>.

[Section 26C inserted by No. 70 of 1975 s. 35.]

**27. Settlement of disputes**

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.

**28. Regulations**

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.

*[Section 28 inserted by No. 18 of 1997 s. 6.]*

The Schedule

The Schedule

| Name of Concern                                    | Nature of Operations   | Amount of Fixed Capital at 30 June 1916 | Amount of Working Capital at 30 June 1916 | Amount of Additional Capital necessary to meet requirements after 30 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 | \$<br>....                              | \$<br>....                                | \$<br>....   | \$<br>.... | \$<br>.... | \$<br>....          |
| State Implement and Engineering Works <sup>5</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             |

## State Trading Concerns Act 1916

### The Schedule

| Name of Concern               | Nature of Operations   | Amount of Fixed Capital at 30 June 1916 | Amount of Working Capital at 30 June 1916 | Amount of Additional Capital necessary to meet requirements after 30 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                                  | <i>Nil</i>                                | 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   | <i>Nil</i>                              | <i>Nil</i>                                | ....   | 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                |

[Schedule amended by No. 5 of 1932 s. 3; No. 10 of 1950 s. 4; No. 26 of 1956 s. 4; No. 113 of 1965 s. 8(1).]

### Notes

- <sup>1</sup> This is a compilation of the *State Trading Concerns Act 1916* and includes the amendments made by the other written laws referred to in the following table<sup>1a, 6</sup>. The table also contains information about any reprint.

### Compilation table

| Short title   | Number and year | Assent      | Commencement  |
|---|-----------------|-------------|---|
| <i>State Trading Concerns Act 1916</i>  | 12 of 1917      | 28 Mar 1917 | 1 Apr 1917 (see s. 1 and <i>Gazette</i> 25 May 1917 p. 849)           |
| <i>State Trading Concerns Act Amendment Act 1930</i>  | 46 of 1930      | 30 Dec 1930 | 30 Dec 1930   |
| <i>State Trading Concerns Act Amendment Act (No. 2) 1932</i>  | 5 of 1932       | 31 Oct 1932 | 1 Apr 1933 (see s. 2 and <i>Gazette</i> 13 Apr 1933 p. 564)           |
| <i>State Trading Concerns Act Amendment Act 1950</i>  | 10 of 1950      | 17 Nov 1950 | 17 Nov 1950   |
| <i>State Trading Concerns Act Amendment Act 1956</i>  | 26 of 1956      | 29 Nov 1956 | 1 Jul 1957 (see s. 2 and <i>Gazette</i> 24 May 1957 p. 1491)          |
| <i>Decimal Currency Act 1965</i>  | 113 of 1965     | 21 Dec 1965 | s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1)) |
| <i>State Trading Concerns Act Amendment Act 1968</i>  | 9 of 1968       | 26 Sep 1968 | 26 Sep 1968   |
| <i>State Trading Concerns Act Amendment Act 1972</i>  | 25 of 1972      | 9 Jun 1972  | 9 Jun 1972  |
| <b>Reprint of the <i>State Trading Concerns Act 1916</i> approved 9 Feb 1973 (includes amendments listed above)</b> |                 |             |   |
| <i>Acts Amendment (Western Australian Meat Commission) Act 1975 Pt. II</i>  | 70 of 1975      | 7 Nov 1975  | 1 Jul 1976 (see s. 2 and <i>Gazette</i> 18 Jun 1976 p. 2047)          |
| <i>State Engineering Works Act 1984 s. 41</i>   | 66 of 1984      | 5 Nov 1984  | 1 Jan 1985 (see s. 2 and <i>Gazette</i> 7 Dec 1984 p. 4017)           |
| <i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>  | 98 of 1985      | 4 Dec 1985  | 1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)          |
| <i>Financial Administration Legislation Amendment Act 1993 s. 11 and 15</i>   | 6 of 1993       | 27 Aug 1993 | 1 Jul 1993 (see s. 2(1))  |

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| Short title   | Number and year | Assent      | Commencement              |
|---|-----------------|-------------|---------------------------|
| <i>Financial Legislation Amendment Act 1996</i> s. 64   | 49 of 1996      | 25 Oct 1996 | 25 Oct 1996 (see s. 2(1)) |
| <i>State Trading Concerns Amendment Act 1997</i>  | 18 of 1997      | 8 Jul 1997  | 8 Jul 1997 (see s. 2)     |
| <b>Reprint of the <i>State Trading Concerns Act 1916</i> as at 18 Aug 1997</b> (includes amendments listed above) |                 |             |                           |
| <i>State Trading Concerns Amendment Act 1999</i>  | 45 of 1999      | 7 Dec 1999  | 7 Dec 1999 (see s. 2)     |
| <b>Reprint 3: The <i>State Trading Concerns Act 1916</i> as at 6 Feb 2004</b> (includes amendments listed above)  |                 |             |                           |

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- <sup>1a</sup> On the date as at which this reprint was prepared, provisions referred to in the following table had not come into operation and were therefore not included in compiling the reprint. For the text of the provisions see the endnote referred to in the table.

### Provisions that have not come into operation

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| Short title   | Number and year | Assent     | Commencement                |
|---|-----------------|------------|-----------------------------|
| <i>State Trading Concerns Act Amendment Act (No. 1) 1932</i> <sup>7</sup> | 11 of 1932      | 7 Nov 1932 | To be proclaimed (see s. 2) |

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- <sup>2</sup> Repealed by the *Acts Amendment (Western Australian Meat Commission) Act 1975*.

- <sup>3</sup> Under the *Acts Amendment (Meat Industry) Act 1985* s. 37, a reference to the Western Australian Meat Commission in a written law, in relation to its meat marketing operations, was, unless the context was such that it would be inappropriate, to be read as a reference to the Western Australian Meat Marketing Corporation. The Western Australian Meat Marketing Corporation has not existed since the *Marketing of Meat Act 1971* expired as a result of the amendment made to it by the *Marketing of Meat Amendment Act 1999* s. 14.

- <sup>4</sup> Repealed by the *Meat Industry Legislation (Amendment and Repeal) Act 1993*.

- <sup>5</sup> Under the *State Engineering Works Act 1984* s. 39 a reference to the State Implement and Engineering Works in a written law is to be read, deemed and taken to refer to the State Engineering Works of Western Australia established by the *State Engineering Works Act 1984*. The *State Engineering Works Act 1984* was repealed by the *State Engineering Works Repeal Act 1988*.



<sup>6</sup> Marginal notes referring to other legislation have been omitted from this reprint.

<sup>7</sup> On the date as at which this reprint was prepared, the *State Trading Concerns Act Amendment Act (No. 1) 1932* had not come into operation. It reads as follows:

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**An Act to provide for the discontinuance of the State Implement and Engineering Works as a State Trading and for other relative purposes.**

**1. Short title**

This Act may be cited as the *State Trading Concerns Act Amendment Act (No. 1) 1932*, and shall be read as one with the *State Trading Concerns Act 1916* (No. 12 of 1917), hereinafter referred to as the principal Act.

**2. Operation**

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

**3. Amendment of schedule**

The schedule to the principal Act is amended by deleting therefrom the name of the State Implement and Engineering Works (hereinafter referred to as “the said works”), and also all the words and figures relating to the said works set forth in the said schedule.

**4. Trading concern abolished**

- (1) The State trading concern hitherto known as the State Implement and Engineering Works is hereby abolished, and the corporate body heretofore constituted under that name is dissolved.
- (2) On and from the commencement of this Act, and by virtue of this Act —
  - (a) all the assets, rights, liabilities, and obligations of the said works shall be divested from the said works, and shall be vested in and shall attach to and may be enforced by and against the Minister of Public Works on behalf of or as the representative of His Majesty the King;
  - (b) all proceedings and things lawfully had and done by the said works prior to the commencement of this Act shall be and continue to be in full force and effect, and if the same are not completed may be continued and completed by the Minister of Public Works under this Act;
  - (c) where in any contract or other instrument entered into by or with the said works as a State trading concern under the authority of the principal Act, and still subsisting, a

reference is made to the said works, then for any purpose arising in connection with such contract or instrument after the commencement of this Act, such reference shall be deemed to be a reference to the Minister of Public Works.

**5. Statements to be prepared and audited**

As soon as reasonably may be proper statements shall be prepared showing the capital, assets, liabilities, and obligations of the said works as at the commencement of this Act, and such statements shall be examined and audited by the Auditor General.

**6. Application of capital and assets vested in the Minister**

The capital and assets of the said works, which by virtue of this Act are vested in the Minister of Public Works, are hereby charged in the hands of the said Minister with the payment and satisfaction of the liabilities and obligations of the said works, which by virtue of this Act are attached to and enforceable against the said Minister, but subject to such charge the said capital and assets shall be applied and used in and for the purposes of the Department of Public Works in the course of the administration of that Department.

**7. Provision for payment of liabilities in excess of capital and assets**

In so far as the capital and assets of the said works cannot conveniently be used or realised for the purpose of paying and satisfying the liabilities and obligations of the said works, such liabilities and obligations may be paid and satisfied by such other means as the Governor shall by Order in Council direct.

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