



Western Australia

State Trading Concerns Amendment Act 1999

No. 45 of 1999

An Act to amend the *State Trading Concerns Act 1916*.

[Assented to 7 December 1999]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *State Trading Concerns Amendment Act 1999*.

2. Commencement

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

3. The Act amended

The amendments in this Act are to the *State Trading Concerns Act 1916**.

[* Reprinted as at 18 August 1997.]

4. Long title amended

The long title is amended by inserting after “**Concerns,**” —

“

and to extend the functions of certain agencies,

”.

5. Section 4A amended

Section 4A(2)(b) is amended by inserting after “provision” —

“ (in the State or elsewhere) ”.

6. Section 4B inserted

After section 4A the following section is inserted —

“

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;

“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 authorized 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 authorized 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 authorize 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 authorized 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 authorized 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.

”.

