

WESTERN AUSTRALIA

PERTH MARKET AMENDMENT ACT 1995

No. 12 of 1995

AN ACT to amend the *Perth Market Act 1926*.

[Assented to 30 June 1995]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Perth Market Amendment Act 1995*.

Principal Act

2. In this Act the *Perth Market Act 1926** is referred to as the principal Act.

[* *Reprinted as at 25 September 1991.*]

Section 1A amended

3. Section 1A of the principal Act is amended by inserting after the definition of "Authority" the following definition —

“

“Authority official” means a natural person who —

- (a) is a member of the staff of the Authority;
- (b) is engaged to do things on behalf of the Authority; or
- (c) is an employee of, or acts on behalf of, a person who is engaged to do things on behalf of the Authority;

”.

Sections 3A and 3B inserted

4. After section 3 of the principal Act the following sections are inserted —

“

Minister may give directions

3A. (1) The Minister may give directions in writing to the Authority with respect to the performance of its functions, either generally or in relation to a particular matter, and the Authority has to give effect to any such direction.

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

Minister to have access to information

3B. (1) The Minister is entitled —

- (a) to have information in the possession of the Authority; 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 Authority to furnish information to the Minister;
- (b) request the Authority to give the Minister access to information;
- (c) for the purposes of paragraph (b) make use of the staff of the Authority, or any person engaged to do things on its behalf, to obtain the information and furnish it to the Minister.

(3) The Authority has to comply with a request under subsection (2) and make its staff, persons engaged by it, and its 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 Authority.

”.

Section 10 amended

5. Section 10 of the principal Act is amended —

(a) by repealing subsection (1) and substituting the following subsections —

“

(1) For the purpose of enabling it to perform its functions under this Act the Authority may —

(a) appoint a manager and other staff; and

(b) engage other persons, whether or not natural persons, to do things on its behalf.

(1a) The Authority may designate persons who are Authority officials as inspectors, in which capacity they have such powers as are prescribed.

”,
,

and

- (b) in subsection (2), by deleting “to be a secretary, inspector or other officer or servant”.

Section 10A inserted

6. After section 10 of the principal Act the following section is inserted —

“

Protection from liability for wrongdoing

10A. (1) In this section, a reference to the doing of anything includes a reference to the omission to do anything.

(2) An action in tort does not lie against a person who is the Minister or a member of the Authority or its staff for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act.

(3) The protection given by this section applies even though the thing done in the performance or purported performance of a function under this Act may have been capable of being done whether or not this Act had been enacted.

(4) This section does not relieve the Authority of any liability that it might have for the doing of anything by a person against whom this section provides that an action does not lie.

”.

Section 11B amended

7. Section 11B of the principal Act is amended by deleting “officer or servant of the Authority” and substituting the following —

“ Authority official ”.

Section 12 amended

8. Section 12 (1) (b) of the principal Act is amended by deleting “its officers” and substituting the following —

“
any person engaged to do things on behalf of the
Authority, Authority officials
”.

Section 13 amended

9. Section 13 (1) of the principal Act is amended —

- (a) in paragraph (2), by deleting “its officers and servants” and substituting the following —

“
Authority officials and any person engaged
to do things on behalf of the Authority
”;

- (b) in paragraph (3e), by deleting “member, officer or servant of the Authority” and substituting the following —

“
of its members, by any person engaged to
do things on behalf of the Authority, or by
any Authority official
”;

- (c) in paragraph (4g), by deleting “officer of the Authority” and substituting the following —

“ Authority official ”; and

- (d) in paragraph (5), by deleting “officers of the Authority” and substituting the following —

“ Authority officials ”.

Section 13C amended

10. Section 13C (1) of the principal Act is amended by deleting “employee of the Authority” and substituting the following —

“ Authority official ”.

Section 18 inserted

11. After section 17 of the principal Act the following section is inserted —

“

Review

18. (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from the commencement of the *Perth Market Amendment Act 1995*, and in the course of that review the Minister is to consider and have regard to —

- (a) the effectiveness of the operations of the Authority;
- (b) the need for the continuation of the functions of the Authority; and
- (c) such other matters as appear to be relevant to the operation and effectiveness of this Act.

(2) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

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