

9. Soil and Land Conservation Council established

- (1) There shall be a Council to be known as the “Soil and Land Conservation Council” consisting of 11 members appointed by the Governor on the nomination of the Minister.
- (2) Of such members —
 - (a) one shall be the Commissioner *ex officio*;
 - (b) one shall be a person who is an officer of the Public Service of the State and is employed in the Department of Agriculture ⁶;
 - (c) 3, not including the member mentioned in paragraph (b) of this subsection, shall be persons each of whom is an officer of the Public Service of the State or an officer of the Commissioner of Main Roads appointed under the *Main Roads Act 1930*;
 - (d) one shall be a person nominated on the recommendation of the body known as the Country Shire Councils’ Association of W.A. or, in default of any such recommendation, by the Minister personally as a representative of the interests of local governments;
 - (e) subject to subsection (2b) (b) of this section, one shall be a person nominated by the Minister from a panel of the names of persons eligible and willing to act as members, submitted to the Minister for the purpose by the body known as the Western Australian Farmers Federation (Inc.) in accordance with a request made pursuant to subsection (2a) of this section;
 - (f) subject to subsection (2b) (b) of this section, one shall be a person nominated by the Minister from a panel of names of persons eligible and willing to act as members, submitted to the Minister for the purpose by the body known as the Pastoralists and Graziers Association of Western Australia in accordance with a request made pursuant to subsection (2a) of this section;
 - (fa) one shall be a person nominated by the Minister after consultation with such voluntary conservation organizations as he thinks fit;
 - (g) 2 shall be persons actively engaged in agricultural, horticultural or pastoral pursuits.
- (2a) Not earlier than 90 days before the expiration of the term of office of a member referred to in paragraph (e) or (f) of subsection (2) of this section the Minister shall, in writing, request the body referred to in the appropriate paragraph to submit to him, in writing, a panel containing the names of not fewer than 3 persons willing to act as members of the Council.
- (2b) Where a body has been requested, pursuant to subsection (2a) of this section, to submit a panel of not fewer than 3 names to the Minister, the Minister —
 - (a) shall, if such a panel is submitted to him within 60 days of the body receiving the request, nominate one of the persons whose names appear on the panel for appointment to the office of member; and
 - (b) may, if default is made within that time in submitting such a panel to him, nominate for appointment to the office of member such person as he thinks fit, and any person so nominated may be appointed as if he had been nominated in accordance with paragraph (a) of this subsection.

- (3) As far as may be practicable the persons nominated for appointment shall be persons who have a general or special knowledge of soil conservation problems.
- (4) The Governor shall appoint one of the members of the Council (other than the Commissioner) to be the Chairperson thereof and one other of such members to be the Deputy Chairperson.
- (5) Subject to this Act, every member of the Council (other than the *ex officio* member) shall hold office for a term not exceeding 5 years, and subject to the terms and conditions determined by the Governor at the time of the appointment of such member.
- (6) Every member of the Council at the expiration of his term of office shall be eligible for re-appointment.
- (7) The Governor may dismiss any member of the Council from his office if he has been guilty of any act or conduct which in the opinion of the Governor renders him unfit to be a member of the Council.
- (8) The office of a member of the Council shall become vacant if —
 - (a) he dies;
 - (b) he resigns by writing addressed to the Minister;
 - (c) he is dismissed from office by the Governor.
- (9) In the case of vacancy arising in the office of any member of the Council the Governor may, on the nomination of the Minister, appoint some eligible person to fill such vacancy, and the person so appointed shall subject to this Act hold office for the remainder of the term of office of the member in whose place he is appointed.

[Section 9 amended by No. 67 of 1967 s.3; No. 94 of 1972 s.4 (as amended by No. 19 of 1973); No. 40 of 1974 s.5; No. 42 of 1982 s.12; No. 46 of 1988 s.5; No. 91 of 1990 ss.7 and 16; No. 47 of 1994 s.4; No. 14 of 1996 s.4.]