

## AGRICULTURE PROTECTION BOARD.

9° Elizabeth II., No. LXX.

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No. 70 of 1960.

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### AN ACT to amend the Agriculture Protection Board Act, 1950-1957.

[Assented to 5th December, 1960.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title  
and citation.

1. (1) This Act may be cited as the *Agriculture Protection Board Act Amendment Act, 1960.*

(2) In this Act the Agriculture Protection Board Act, 1950-1957, is referred to as the principal Act.

(3) The principal Act, as amended by this Act, may be cited as the *Agriculture Protection Board Act, 1950-1960.*

2. This Act shall come into operation on a day to be fixed by proclamation. Commence-  
ment.

3. Section five of the principal Act is repealed and re-enacted with amendments as follows:— S. 5  
repealed and  
re-enacted.

5. (1) For the purposes of co-ordinating the administration of the Noxious Weeds Act and the Vermin Act and the provisions of the Road Districts Act relating to noxious weeds and for carrying this Act into effect, there shall be a board constituted as provided in this section which shall be called The Agriculture Protection Board of Western Australia. The  
Agriculture  
Protection  
Board of  
Western  
Australia.

(2) The Protection Board shall consist of eleven members, including the Chairman. Eleven  
members.

(3) The members of the Protection Board shall be—

(a) the Director of Agriculture, or his deputy, who shall be Chairman, the Chief Vermin Control Officer, who shall be the Chief Executive Officer, and an officer of the State Treasury, each by virtue of his office; or, while any of those offices is vacant, the person acting in that office; and Three  
*ex officio*  
members.

(b) eight persons appointed by the Governor to hold office for a period of three years. Eight  
nominee  
members.

(4) Of the eight persons mentioned in paragraph (b) of subsection (3) of this section— Method of  
nomination.

(a) two shall be chosen from a panel of the names of five persons submitted by the body known as The Farmers' Union of Western Australia (Inc.);

(b) one shall be chosen from a panel of the names of three persons submitted by the body known as The Pastoralists' & Graziers' Association of Western Australia (Incorporated); and

(c) five shall represent the body known as the Road Board Association of Western Australia, or any body, being an association of Shire Councils, which may succeed that Association, of whom—

- (i) one shall be chosen from a panel of the names of three persons, submitted by that Association, of which persons each shall be a member of the Board of a different Road District referred to in Division 1 of the Schedule to this Act;
- (ii) one shall be chosen from a panel of the names of three persons, submitted by that Association, of which persons each shall be a member of the Board of a different Road District referred to in Division 2 of the Schedule to this Act; and
- (iii) three shall be chosen from a panel of the names of six persons, submitted by that Association, of which persons each shall be a member of the Board of a different Road District referred to in Division 3 of the Schedule to this Act.

Procedure on  
default of  
nomination.

(5) The Minister shall, as the occasion requires, by notice in writing to the secretary of any body mentioned in subsection (4) of this section require that body to submit a panel of names, as therein provided, within such period, being not less than one month, as may be stipulated in the notice and if, upon the expiration of the period so stipulated, or such extension of that period as the Minister thinks fit and is hereby authorised to grant, he has not received the required panel of names the

Minister shall nominate such person as, having regard to the category in respect of which the panel was required, he thinks fit.

(6) Upon the appointment of eight persons, as provided by paragraph (b) of subsection (3) of this section, the office of member of the Protection Board then held by any person, other than any of the three *ex officio* members, is terminated.

Termination  
of office of  
existing  
appointees.

(7) The Protection Board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued and shall have power to purchase, take, hold, sell, lease, exchange, mortgage and dispose of real and personal property.

Board  
a body  
corporate.

(8) Meetings of the Protection Board shall be held at such times as may be prescribed and until prescribed, when convened by the Chairman.

Meetings.

(9) The Protection Board shall conduct its proceedings in such manner as may be prescribed and until prescribed, as the Protection Board shall determine, but in any case—

Proceedings.

- (a) five members shall constitute a quorum for the conduct of business;
- (b) all matters shall be determined by a majority of the votes of the members present, and where there is an equality of votes the question is to be determined in the negative;
- (c) each member, including the Chairman, shall be entitled to one vote only on the determination of any matter; and
- (d) in the absence of the Chairman, at any meeting, the members present shall appoint one of their number then present to be Chairman of that meeting.

Vacancy  
not to affect  
Board's  
functions.

(10) The Protection Board may act and exercise all of its powers, notwithstanding any vacancy in membership, and no act or proceeding of the Protection Board shall be invalid or illegal in consequence only of any vacancy in membership existing at the time of any act or proceeding.

Deputies.

(11) (a) The Minister may, in respect of any member of the Protection Board, appoint a person to be the deputy of that member and to represent the same interests as that member.

(b) Any person appointed to be the deputy of a member shall, in the event of the absence of the member, have all the powers of that member during his absence.

(c) No appointment of and no act done in that capacity by a deputy shall be questioned on the ground that the occasion for his appointment had not arisen, or had ceased.

Acceptance  
of office.

(12) Acceptance of, or acting in the office of member or deputy member or Chief Executive Officer of the Protection Board by any person shall not of itself render the provisions of the Public Service Act, 1904; the Public Service Appeal Board Act, 1920; the Government Employees (Promotions Appeal Board) Act, 1945; or the Superannuation and Family Benefits Act, 1938, applicable to him nor affect the application of those provisions to him if they applied to him at the time of the acceptance of or acting in the office.

Allowances  
and re-  
muneration.

(13) Every member of the Protection Board shall be entitled to such allowances and remuneration for his services as may be prescribed.

Minutes.

(14) The Protection Board shall cause to be kept minutes of all its proceedings in such manner and form as the Minister may direct or approve.

4. The principal Act is amended by adding after section five the following section:— S. 5A  
added.

5A. Any Act or thing done, or purporting to have been done, under this Act, by the Protection Board, prior to the commencement of the Agriculture Protection Board Amendment Act, 1960, is hereby ratified as lawful, confirmed and validated. Validation.

5. The principal Act is amended by adding, after section thirty-three, the following Schedule:— Schedule  
added.

#### SCHEDULE.

Division 1: Coolgardie, Dundas, Esperance, Kalgoorlie, Laverton, Leonora, Menzies, Phillips River and Yilgarn Road Districts. S. 5.

Division 2: Ashburton, Black Range, Broome, Cue, Gascoyne-Minilya, Halls Creek, Marble Bar, Meekatharra, Mount Magnet, Murchison, Nullagine, Port Hedland, Roebourne, Shark Bay, Tableland, Upper Gascoyne, West Kimberley, Wiluna, Wyndham and Yalgoo Road Districts.

Division 3: Any Road District not mentioned in Divisions 1 and 2 of this Schedule.

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