

WESTERN AUSTRALIA

**AGRICULTURAL LEGISLATION
AMENDMENT ACT 1995**

No. 29 of 1995

AN ACT to amend

- **the *Agriculture Protection Board Act 1950*; and**
- **the *Rural Adjustment and Finance Corporation Act 1993*.**

[Assented to 18 September 1995.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Agricultural Legislation Amendment Act 1995*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

**PART 2 — AMENDMENT OF THE AGRICULTURE
PROTECTION BOARD ACT 1950**

Principal Act

3. In this Part the *Agriculture Protection Board Act 1950** is referred to as the principal Act.

[* *Reprint approved 31 August 1976.*

*For subsequent amendments see 1994 Index to
Legislation of Western Australia, Table 1, p. 7.]*

Section 5 amended, and transitional

4. (1) Section 5 (2), (3), (4), (4a) and (5) of the principal Act are repealed and the following subsections are substituted —

“

(2) The Protection Board shall consist of —

- (a) the person for the time being holding the office of Director General of Agriculture, within the meaning of section 7 (1) of the *Agriculture Act 1988*;
- (b) 6 persons appointed by the Minister with, in the opinion of the Minister, wide experience in rural industry or the protection of rural industry resources or other qualifications relevant to the powers and duties of the Protection Board; and
- (c) 5 persons appointed by the Minister from the members of zone control authorities nominated under subsection (5).

(3) The Minister shall appoint one of the members appointed under subsection (2) (b) to be the chairperson of the Protection Board for the period specified in the instrument of appointment.

(4) An appointed member of the Protection Board holds office for the period, not exceeding 3 years, specified in the instrument of appointment of the member, and may from time to time be reappointed.

(5) For the purposes of subsection (2) (c), each zone control authority shall, whenever required to do so by the Minister and within the period specified by the Minister, nominate a member of the authority for appointment to the Protection Board.

(6) If the number of nominations made within the period specified by the Minister is less than is required to make the necessary appointments under subsection (2) (c), the Minister may appoint any persons that the Minister thinks fit to appoint to complete those appointments.

(6a) A person appointed under subsection (6) holds office as if that person had been nominated by a zone control authority under subsection (5).

(6b) A person who holds office as a member of a zone control authority ceases to hold that office on being appointed to the Protection Board.

”.

(2) On the commencement of this section, each person holding office as a member of the Protection Board immediately before that commencement under section 5 (3) (b) of the principal Act ceases to hold that office.

(3) Subject to section 5 of the principal Act, as amended by this Act, a person who ceases to hold office under subsection (2) is eligible for reappointment to the Protection Board.

Amendments as to “chairperson”

5. Each provision of the principal Act mentioned in the Table to this section is amended by deleting “Chairman” in each place where it occurs and substituting in each case the following —

“ chairperson ”.

TABLE

section 5 (8)	section 30
section 5 (9) (c)	section 31 (1) (e)
section 5 (9) (d) (twice)	section 31 (2) (b)
section 27	section 32
section 28	

Schedules 1 and 2 repealed

6. Schedules 1 and 2 to the principal Act are repealed.

**PART 3 — AMENDMENT OF THE RURAL ADJUSTMENT
AND FINANCE CORPORATION ACT 1993****Principal Act**

7. In this Part the *Rural Adjustment and Finance Corporation Act 1993** is referred to as the principal Act.

[* *Act No. 10 of 1993.*

*For subsequent amendments see 1994 Index to
Legislation of Western Australia, Table 1, p. 189.]*

Section 3 amended

8. Section 3 of the principal Act is amended —

- (a) by deleting the definition of “protected person”; and
- (b) in the definition of “rural assistance scheme” by deleting “or 15”.

Section 5 amended

9. Section 5 (1) (a) (ii) of the principal Act is amended by deleting “sections 14 (1) and 15” and substituting the following —

“ section 14 (1) ”.

Section 11 amended

10. Section 11 of the principal Act is amended —

- (a) in subsection (5), by deleting “in each instance”;

- (b) in subsection (7), by deleting “*Public Service Act 1978*” and substituting the following —

“ *Public Sector Management Act 1994* ”; and

- (c) in subsection (8), by deleting “*The Public Service Act 1978*” and substituting the following —

“ *The Public Sector Management Act 1994* ”.

Section 14 amended

11. Section 14 (1) of the principal Act is amended by deleting “section 13” and substituting the following —

“ section 13 (c) ”.

Section 16 amended

12. Section 16 of the principal Act is amended —

- (a) in subsection (1), by deleting paragraphs (a) and (b); and

- (b) in subsection (2) (e), by deleting “or 20”.

Section 17 amended

13. (1) Section 17 (1) of the principal Act is repealed and the following subsection is substituted —

“

(1) Subject to the agreements, the Minister may in writing, with the consent of the Treasurer, permit the Corporation to transfer the whole or a specified part of the moneys standing to the credit of any rural assistance scheme in the Rural Assistance Fund, that

are not immediately required to be charged to that Fund as financial assistance to persons involved in rural industry or others or to be repaid to the Commonwealth, to the credit of —

- (a) such other rural assistance schemes; or
- (b) the Rural Adjustment (No. 2) Fund,

as the Minister specifies in his or her permission.

”.

(2) Section 17 (2) of the principal Act is amended by deleting “Funds” and substituting the following —

“ Fund ”.

(3) Section 17 (3) and (4) of the principal Act are repealed.

Section 18 amended

14. Section 18 of the principal Act is amended —

- (a) by deleting “the Rural Reconstruction Fund, the Rural Adjustment Fund,”;
- (b) by deleting “and” after paragraph (d); and
- (c) by deleting the full stop after paragraph (e) and substituting the following —

“

; and

- (f) moneys required in the performance by the Corporation of a function for the benefit of rural industry prescribed under section 5 (1) (b).

”.

Section 20 repealed

15. Section 20 of the principal Act is repealed.

Part 5 Division 2 repealed

16. Division 2 of Part 5 of the principal Act is repealed.

Section 38 repealed

17. Section 38 of the principal Act is repealed.

Section 51 amended

18. Section 51 (2) (b) of the principal Act is amended by deleting “the Part” and substituting the following —

“ Part ”.