

WESTERN AUSTRALIA

**WESTERN AUSTRALIAN WATER
RESOURCES COUNCIL
AMENDMENT ACT**

No. 72 of 1987

AN ACT to amend the *Western Australian Water Resources Council Act 1982*.

[Assented to 22 November 1987]

BE 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

1. This Act may be cited as the *Western Australian Water Resources Council Amendment Act 1987*.

Principal Act

2. In this Act the *Western Australian Water Resources Council Act 1982** is referred to as the principal Act.

[*Act No. 38 of 1982 as amended by Acts Nos. 2 of 1984, 25 and 98 of 1985 and 77 of 1986.]

Commencement

3. (1) Subject to subsection (2), this Act shall come into operation on 31 December 1987.

(2) Sections 6 and 7 shall come into operation on 1 January 1988.

Section 2 amended

4. Section 2 of the principal Act is amended by repealing subsection (2).

Section 3 amended

5. Section 3 of the principal Act is amended by—

(a) inserting before the definition of “Chairman” the following definition—

“ “appointed member” means member appointed under section 4; ”;

(b) deleting “of this Act” in the definition of “Council”; and

(c) deleting the definition of “subsection”.

Section 4 amended**6. Section 4 of the principal Act is amended—**

(a) in subsection (2) by deleting—

(i) “15” and substituting the following—

“ 16 ”; and

(ii) “6” in paragraph (b) and substituting the following—

“ 7 ”;

(b) by repealing subsections (3) and (4) and substituting the following subsections—

“ (3) The appointed members shall be—

(a) one person appointed on the recommendation of the Minister to be a member and the chairman of the Council;

(b) one person appointed on the recommendation of the Minister from a panel of the names of 3 candidates nominated by the body known as the Local Government Association of Western Australia;

(c) one person appointed on the recommendation of the Minister from a panel of the names of 3 candidates nominated by the body known as the Country Shire Councils' Association of Western Australia;

(d) one person appointed on the recommendation of the Minister from a panel of the names of 3 candidates nominated by the body known as The Chamber of Mines of Western Australia (Incorporated);

(e) one person appointed on the recommendation of the Minister from a panel of the names of 3 candidates nominated by the body known as the Conservation Council of Western Australia (Incorporated);

(f) one person appointed on the recommendation of the Minister from a panel of the names of 6 candidates, of whom—

- (i) 3 shall be nominated by the body known as the Western Australian Chamber of Commerce and Industry (Incorporated); and
 - (ii) 3 shall be nominated by the body known as The Confederation of Western Australian Industry (Incorporated); and
- (g) 3 persons appointed on the recommendation of the Minister from a panel of the names of 9 candidates nominated by the body known as The Western Australian Farmers' Federation (Incorporated), of which 3 persons—
- (i) one is a person who appears to the Minister to be experienced and active in farming in the wheatbelt area of the State;
 - (ii) one is a person who appears to the Minister to be experienced and active in irrigation farming using either surface water or ground water sources; and
 - (iii) one is a person who appears to the Minister to be experienced and active in market gardening.
- (4) The *ex officio* members shall be—
- (a) the Managing Director of the Water Authority of Western Australia, established pursuant to the *Water Authority Act 1984*;
 - (b) the Chief Executive Officer within the meaning of the *Environmental Protection Act 1986*;
 - (c) the Chairman of the State Planning Commission, established pursuant to the *State Planning Commission Act 1985*; and
 - (d) the Permanent Heads of—
 - (i) the Department of Conservation and Land Management;
 - (ii) the Department of Agriculture;

(iii) the Department of Resources Development;
and

(iv) the Department of Mines,

or, in the case of each such *ex officio* member, a person nominated in writing by that *ex officio* member. ”; and

(c) by repealing subsections (5) and (6) and substituting the following subsections—

“ (5) A body eligible to nominate candidates for membership of the Council under subsection (3) shall, when required to do so by the Minister by notice in writing, nominate to the Minister in writing, without indicating any preference as between the candidates nominated—

(a) in the case of a nomination under subsection (3) (b), (c), (d) or (e), 3 candidates competent and willing to act as members, and the Minister shall choose from those 3 candidates one candidate;

(b) in the case of each of the 2 nominations under subsection (3) (f), 3 candidates competent and willing to act as members and the Minister shall choose from the total of 6 candidates provided by both of those nominations one candidate; and

(c) in the case of a nomination under subsection (3) (g), 9 candidates competent and willing to act as members, and the Minister shall choose from those 9 candidates—

(i) one person referred to in subsection (3) (g) (i);

(ii) one person referred to in subsection (3) (g) (ii); and

(iii) one person referred to in subsection (3) (g) (iii),

as his recommendation to the Governor for appointment under subsection (2) (a).

(6) When a body required under subsection (5) to nominate candidates does not within the period specified in the relevant notice nominate the relevant number of candidates required by that subsection, the Governor may on the recommendation of the Minister appoint a person as a member and the person so appointed shall be deemed for all purposes to have been appointed on the nomination of that body. ”.