

# AGRICULTURE AND RELATED RESOURCES PROTECTION.

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No. 31 of 1983.

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## AN ACT to amend the Agriculture and Related Resources Protection Act 1976-1981.

[Assented to 1 December 1983.]

**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:—

1. (1) This Act may be cited as the *Agriculture and Related Resources Protection Amendment Act 1983*.

Short title  
and citation.

(2) In this Act the Agriculture and Related Resources Protection Act 1976-1981 is referred to as the principal Act.

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approved 10  
February 1981  
and  
amended by  
Act No. 76  
of 1981.



directing that declared plants or declared animals specified in the notice be controlled on and in relation to the land in the manner and to the extent specified in the notice and specifying a commencement date on or before which the person on whom the notice is served shall commence to comply with the direction contained in the notice and a completion date on or before which that person shall fully comply with that direction. ”.

5. Section 51 of the principal Act is amended by inserting after subsection (2) the following subsection—

Section 51  
amended.

“ (2a) In any proceeding under subsection (1) for an offence relating to a notice by the Protection Board under section 50 (1) (b), it is a defence for the defendant to show that the direction contained in the notice was, in so far as it applied to the land to which the proceedings relate, unnecessary or inappropriate. ”.

6. Section 56 of the principal Act is amended—

Section 56  
amended.

(a) in subsection (1), by inserting before “of inspectors” the following—

“ of the Protection Board or ”; and

(b) in subsection (2), by inserting before “an inspector” the following—

“ the Protection Board or ”.

7. Section 60 of the principal Act is amended—

Section 60  
amended.

(a) in subsection (2), by deleting “the Protection Board, with the approval of the Minister, imposes by notice published in the *Gazette* on or before the thirtieth day of June immediately preceding that financial

year” and substituting the following—

“ may be imposed under subsection (3) in respect of such land ”;

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

“ (3) The Protection Board, with the approval of the Minister, may, by notice published in the *Gazette* on or before the thirtieth day of June immediately preceding a financial year to which this section applies, impose—

(a) in respect of land held under pastoral lease that is not in the specified part of the State, a general rate in respect of that financial year at a rate not exceeding 8 cents in the dollar of the unimproved value of the land; and

(b) in respect of land held under pastoral lease that is in the specified part of the State, a general rate in respect of that financial year—

(i) at the rate imposed under paragraph (a) of this subsection in respect of land to which that paragraph applies; or

(ii) at a rate such that the total amount assessed to be payable in respect of that financial year by way of general rates in respect of land held under pastoral lease that is in the specified

part of the State is one-third of the total amount assessed to be so payable in respect of all land so held in the State,

whichever is the lesser.

(4) In subsection (3) “specified part of the State” means that part of the State described in the Schedule to this Act.

(5) Where a rate, expressed in cents in the dollar, is calculated in accordance with subsection (3) (b) (ii), any part of a cent that is less than 0.01 cent shall be disregarded. ”.

8. Section 62 of the principal Act is amended— Section 62  
amended.

(a) by repealing subsection (1); and

(b) in subsection (2), by deleting “section 61” and substituting the following—

“ each of sections 60 and 61 ”; and

(c) by inserting after subsection (6) the following subsections—

“ (7) Subsections (3), (3a), (4), (5) and (6) do not apply in relation to a rate imposed under section 60 or 61 in respect of the financial year commencing on the first day of July 1984 or any financial year thereafter.

(8) In relation to a rate imposed under section 60 or 61 in respect of the financial year commencing on the first day of July 1984 or any financial year thereafter the relevant annual rent on



12. Section 75 of the principal Act is amended— Section 75  
amended.

(a) in subsection (1), by inserting after “sack,” the following—

“ seed, ”;

(b) by inserting after subsection (1) the following subsections—

“ (1a) A person who, in any part of the State, sells or offers or exposes for sale any coat, fodder, machinery, sack, seed, wool pack or restricted animal shall first examine it or cause it to be examined for the presence of material that is prohibited material in that or any other part of the State.

(1b) Subject to subsection (5), a person shall not, in any part of the State, sell or offer or expose for sale any coat, fodder, machinery, sack, seed, wool pack or restricted animal in or on which there is any material that is prohibited material in that part of the State except pursuant to approval given by an inspector or authorized person and in accordance with the conditions, if any, subject to which that approval is given. ”;

(c) in subsection (2)—

(i) by inserting after “(1)” the following—

“ or (1a) ”; and

(ii) by inserting after “fodder” in paragraph (b) the following—

“ , seed ”;



- (ii) by inserting before “the” in the first place where it occurs in each of subparagraphs (i), (ii) and (iii), the following—

“ providing for ”;

- (iii) by deleting “and” after subparagraph (ii); and

- (iv) by inserting after subparagraph (iii) the following—

“ and

- (iv) prescribing fees for the issue of permits under regulations made pursuant to this paragraph and fees for carrying out inspections for the purpose of determining whether any such permits should issue, and providing for the recovery of such fees; ”; and

- (b) in paragraph (t)—

- (i) by deleting the semicolon at the end of subparagraph (iii) and substituting a comma; and

- (ii) by inserting at the end of the paragraph the following—

“ authorizing the Protection Board to impose, in any permit issued by it under regulations made pursuant to this paragraph, any further conditions and restrictions as to such introduction, keeping, sale, or disposal that it sees fit to specify in the permit, prescribing fees for the issue of such permits and fees for

carrying out inspections for the purpose of determining whether, or the conditions and restrictions subject to which, any such permit should issue, and providing for the recovery of such fees; ”.

Schedule  
added.

17. After section 119 of the principal Act the following schedule is added—

“ SCHEDULE. S. 60 (4).  
All that portion of the State of Western Australia bounded by a line starting at the intersection of the Low Water Mark of the Indian Ocean with the prolongation north of the westernmost western boundary of Pastoral Lease 3116/1079 (Wallal Downs) and extending south to that boundary and south, east, again south, again east, north, again east, again north, again east and again north along boundaries of that pastoral lease to the 20th parallel of South Latitude; thence east along that parallel to the prolongation north of the western boundary of the north-western severance of Pastoral Lease 3114/1106 (Lake Gregory); thence south to and along that boundary and onwards to the westernmost north-western corner of the south-eastern severance of the last mentioned pastoral lease; thence south, east, north, again east, again north, again east and again north along boundaries of that severance and onwards to the 20th parallel of South Latitude; thence east along that parallel to the 129th meridian of East Longitude; thence north along that meridian to the Low Water Mark of the Timor Sea; and thence generally north-westerly along that low water mark and generally south-westerly along the Low Water Mark of the Indian Ocean to the starting point. ”.

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