

AGRICULTURE AND RELATED RESOURCES PROTECTION.

No. 40 of 1978.

**AN ACT to amend the Agriculture and Related
Resources Protection Act, 1976.**

[Assented to 29th August, 1978.]

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:—

1. (1) This Act may be cited as the *Agriculture and Related Resources Protection Act Amendment Act, 1978.*

Short title
and citation.

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

(3) The principal Act as amended by this Act may be cited as the Agriculture and Related Resources Protection Act, 1976-1978.

Section 15
amended.

2. Section 15 of the principal Act is amended by adding after subsection (11) subsections as follows—

(12) The Protection Board may appoint an eligible person as the deputy of a member of an authority.

(13) The provisions of this section that apply to and in relation to the appointment of a member of an authority apply, with any necessary modification, to and in relation to the appointment of the deputy of that member.

(14) A person appointed pursuant to subsection (12) is, in the event of the absence from a meeting of the authority of the member of whom he is the deputy, entitled to attend that meeting and, when so attending, is deemed to be a member of the authority and has all the powers, functions and duties of a member of the authority.

Section 16
amended.

3. Section 16 of the principal Act is amended—

(a) by deleting the words “Wednesday in April” in the penultimate line of subsection (3) and substituting the words “day of August”;
and

(b) by adding after subsection (3) subsections as follows—

(3a) Notwithstanding subsection (2), where a declaration made before the coming into operation of the Agriculture and Related Resources Protection Act Amendment Act, 1978 specified that a person was to hold office as a member of an authority until 1977 or 1978 that term of office shall be deemed to have expired on the first Wednesday in April in the year so specified.

(3b) Notwithstanding subsection (2) but subject to subsections (4) and (5), where a declaration made before the coming into operation of the Agriculture

and Related Resources Protection Act Amendment Act, 1978 specified that a person was to hold office as a member of an authority until 1979, 1980, or 1981 that term of office shall expire on the first day of August in the year so specified. .

4. Section 18 of the principal Act is amended by adding after the word "authority" in line one the words "and their deputies". Section 18 amended.

5. Section 19 of the principal Act is amended— Section 19 amended.

(a) by adding after the word "member" in the penultimate line the words "or deputy of a member"; and

(b) by adding after the word "member" in the last line the words "or as the deputy of a member".

6. Subsection (1) of section 29 of the principal Act is amended by deleting the passage "by declaration, and" in lines one and two. Section 29 amended.

7. The principal Act is amended by adding after section 31 a section as follows— Section 31A added.

31A. (1) Subject to subsection (3) members of the committee of a region shall be paid such allowances as the Minister determines. Allowances for members of certain committees.

(2) Allowances under subsection (1) shall be paid out of the Control Fund.

(3) Subsection (1) does not apply in relation to any region other than a region that is within the portions of the State constituted under section 13 as Zones 1, 2, 3 and 9 by declaration published in the *Gazette* on the ninth day of July, 1976. .

Section 32
amended.

8. Section 32 of the principal Act is amended by adding after the expression “(3)” in line one of paragraph (a) the passage “, (3a), (3b)”.

Section 32A
added.

9. The principal Act is amended by adding after section 32 a section as follows—

Certain
appoint-
ments valid.

32A. The appointment of a person as a member of a committee before the coming into operation of the Agriculture and Related Resources Protection Act Amendment Act, 1978 shall be deemed to have been valid and effective notwithstanding that the declaration appointing him was not published in the *Gazette*. .

Section 60
amended.

10. Subsection (3) of section 60 of the principal Act is amended—

(a) by deleting paragraph (a) and substituting a paragraph as follows—

(a) in respect of each financial year before the financial year commencing on the first day of July, 1980—three cents;

; and

(b) by deleting the numerals “1978” in line two of paragraph (b) and substituting the numerals “1980”.

Section 65
amended.

11. Section 65 of the principal Act is amended—

(a) by deleting paragraph (a) of subsection (2) and substituting a paragraph as follows—

(a) This subsection applies to each financial year before the financial year commencing on the first day of July, 1980. ; and

(b) by deleting the numerals “1978” in line two of paragraph (a) of subsection (3) and substituting the numerals “1980”.

12. Section 68 of the principal Act is amended— Section 68
amended.

(a) by deleting paragraph (c) of subsection (4) and substituting a paragraph as follows—

(c) notification—

(i) that the taking of animals of a class specified in the notice is prohibited absolutely until such time as a further notice cancelling the prohibition is published by the Protection Board; or

(ii) that the taking, for human consumption, of animals of a class specified in the notice is prohibited until such time as a further notice cancelling the prohibition is published by the Protection Board,

whichever the Protection Board considers appropriate in the circumstances; ;

(b) by deleting the words “animals taken in breach of the prohibition” in lines one and two of paragraph (e) of subsection (4) and substituting the words “if animals of a class specified in the notice are taken they” ; and

(c) by repealing subsection (6) and re-enacting that subsection as follows—

(6) A person who takes an animal of a class specified in a notice for the time being in force under subsection (3) in breach of the prohibition mentioned in that notice commits an offence.

Penalty: Five hundred dollars. .

13. Section 105 of the principal Act is amended— Section 105
amended.

(a) by deleting the expression “(1)” in line one;

- (b) by deleting the passage "class." in the last line of paragraph (w) and substituting the passage "class;"
- (c) by adding after paragraph (w) a paragraph as follows—
 - (x) with respect to the circumstances and manner in which bonuses referred to in paragraph (k) of subsection (1) of section 8 of the Agriculture Protection Board Act, 1950 may be claimed and paid and to the prevention of fraudulent or other improper practices in respect of such bonuses. .

Section 108
amended.

14. Section 108 of the principal Act is amended—

- (a) by adding after the section designation "108." the subsection designation "(1)";
- (b) by adding after the word "made" in line two the passage "(other than a regulation made under paragraph (x) of section 105)";
- (c) by substituting for the word "of" in line three the words "not exceeding"; and
- (d) by adding a subsection as follows—
 - (2) Regulations made under this Act may impose for a breach of a regulation made under paragraph (x) of section 105—
 - (a) in respect of a first breach—a maximum penalty not exceeding one thousand dollars with or without provision for a minimum penalty not exceeding one-fifth of the maximum penalty; and
 - (b) in respect of a second or any subsequent breach of the same regulation by the same offender—a maximum penalty

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not exceeding two thousand dollars with or without provision for a minimum penalty not exceeding one-half of the maximum penalty. .
