

# AGRICULTURE PROTECTION BOARD.

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No. 25 of 1976.

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## AN ACT to amend the Agriculture Protection Board Act, 1950-1970.

[Assented to 9th June, 1976.]

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 Protection Board Act Amendment Act, 1976.*

Short title  
and  
citation.

(2) In this Act the Agriculture Protection Board, Act, 1950-1970 is referred to as the principal Act.

Reprinted  
as  
approved  
for reprint  
23rd July,  
1970 and  
amended by  
Act No. 97  
of 1970.

(3) The principal Act as amended by this Act may be cited as the Agriculture Protection Board Act, 1950-1976.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such date or dates as is or are, respectively, fixed by proclamation.

Long title  
amended.

3. The long title of the principal Act is amended by deleting the passage commencing with the word "and" in line two and ending with the word "There to" in the last line, and substituting the passage "and to regulate its powers, functions and duties, and for incidental and other purposes".

Section 3  
amended.

4. Section 3 of the principal Act is amended—

(a) by deleting the interpretation "Advisory Committee";

(b) by deleting the interpretation "Noxious Weeds Act" and substituting an interpretation as follows—

"Agriculture Protection Act" means the Agriculture and Related Resources Protection Act, 1976 and the regulations thereunder; ;

(c) by adding after the interpretation "Protection Fund" an interpretation as follows—

"Public Service Board" means the Public Service Board established by Part II of the Public Service Act, 1904; ;

(d) by deleting the interpretations "Road Districts Act" and "Vermin Act"; and

(e) by deleting the words "Noxious Weeds Act and the Vermin" in the penultimate line, and substituting the words "Agriculture Protection".

5. The principal Act is amended by repealing section 4 and re-enacting that section as follows—

Section 4  
repealed  
and  
re-enacted.

4. (1) In this section, any reference to the Agriculture Protection Act includes a reference to the provisions of that Act and any regulation, proclamation, declaration and notice made or given and promulgated under the provisions of that Act.

Construc-  
tion.

(2) This Act shall be read in conjunction with the Agriculture Protection Act, as if the provisions of this Act were incorporated with and formed part of that Act, but where the provisions of this Act are in conflict with the provisions of that Act, the provisions of this Act shall prevail to the extent to which they are so in conflict or inconsistent.

(3) Subject to the provisions of subsection (2) of this section, the provisions of this Act are in addition to and not in derogation of the provisions of the Agriculture Protection Act. .

6. Section 5 of the principal Act is amended—

Section 5  
amended.

(a) by deleting the words commencing with the word “co-ordinating” in line one of subsection (1) and ending with the word “this” in line four of that subsection, and substituting the words “carrying this Act and the Agriculture Protection”;

(b) by deleting the words “Vermin Control” in lines two and three of paragraph (a) of subsection (3); and

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

(c) five shall represent the body known as the Country Shire Councils' Association of W.A., 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 council of a different shire 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 council of a different shire 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 council of a different shire referred to in Division 3 of the Schedule to this Act. .

Section 8  
repealed  
and  
re-enacted.

7. The principal Act is amended by repealing section 8 and re-enacting that section as follows—

Powers and  
duties of  
Protection  
Board.

8. (1) Subject to the Minister and to the provisions of this Act and the Agriculture Protection Act, the powers and duties of the Protection Board shall include the following—

- (a) making investigations and enquiries into and formulating schemes for efficiently—
  - (i) controlling, and prohibiting and regulating the introduction of, declared plants;
  - (ii) controlling, and prohibiting and regulating the introduction and keeping of, declared animals;

- (b) ensuring that the provisions of this Act and the Agriculture Protection Act are efficiently carried into effect throughout the State and co-ordinating the implementation, in the various zones and regions, of policies, schemes and programmes formulated under this Act or that Act;
- (c) authorising and directing the expenditure of moneys from the Protection Fund and the Control Fund for the purposes of this Act and the Agriculture Protection Act generally and, in particular, for implementing policies, schemes and programmes formulated under this Act or that Act;
- (d) conducting, or arranging for the conduct of, experiments on and in relation to declared plants and declared animals;
- (e) maintaining, improving, altering, repairing and renewing any barrier fence and any other structure or source of water supply upon the land upon which the barrier fence is erected and any machinery, implement, livestock, vehicles or other plant, used in connection with the maintenance, improvement, alteration or renewal of barrier fences;
- (f) controlling, regulating and prohibiting the sale, acquisition or use of any apparatus, appliance, thing or substance offered or represented or which may be offered or represented as suitable for use in the control of declared plants or declared animals;
- (g) purchasing, taking on lease, or otherwise acquiring, upon such terms and conditions as the Minister may approve, any real or personal property whatsoever as the Protection Board

may think requisite for carrying into effect the objects and purposes of this Act or the Agriculture Protection Act, and from time to time selling, exchanging, letting, or otherwise disposing of any real or personal property acquired by or vested in the Protection Board for the purposes of this Act or the Agriculture Protection Act;

(h) purchasing equipment and purchasing or manufacturing materials for the control of declared plants and declared animals for resale or sale to any council or other person or body who or which is responsible for such control pursuant to the provisions of any Act at cost price plus such amounts as are determined by the Protection Board being—

(i) an amount representing handling, forwarding, administration and other costs incidental to the purchase of such equipment or the purchase or manufacture of such materials; and

(ii) an amount to be paid to a reserve account kept pursuant to section sixteen of this Act;

(i) borrowing in such manner and subject to such conditions as to borrowing and expenditure as the Treasurer specifies, such sum or sums as shall not at any one time exceed five hundred thousand dollars for meeting expenses incurred or likely to be incurred in the control of, or the prohibition or regulation of the introduction of, declared plants or declared animals;

- (j) making advances to councils, or other bodies or persons, for the control of declared plants and declared animals;
- (k) paying bonuses at such rates, for such periods, for destruction of such declared animals in such zones, regions or other areas as may, for the purposes of this paragraph, subject to subsection (3) of this section, from time to time be fixed by the Protection Board by declaration;
- (l) with the approval of the Public Service Board, employing such officers, other than the Chief Executive Officer mentioned in paragraph (a) of subsection (3) of section five of this Act, and other employees as are necessary for the purposes of carrying out the powers and duties conferred and imposed upon the Protection Board by this or any other Act;
- (m) with the approval of the Public Service Board, determining the terms and conditions of appointment and employment of the officers and employees employed pursuant to paragraph (l) of this subsection;
- (n) with the consent of the Minister of the Crown charged with the administration of any Government department, making use, for the purpose of carrying out the provisions of this Act or any other Act, of the services of any person employed in that department; and
- (o) generally doing all such acts, matters and things as the Protection Board shall consider necessary or conducive to the control of, or the prohibition or regulation of the introduction of, declared plants or the control of, or the prohibition or regulation of the introduction or keeping of, declared

animals, and as the Protection Board is authorised to do under the provisions of this or any other Act.

(2) The Protection Board may sell and supply poison pursuant to paragraph (h) of subsection (1) of this section notwithstanding anything to the contrary contained in the Poisons Act, 1964.

(3) The rates of bonuses fixed under paragraph (k) of subsection (1) of this section in respect of a class of declared animals in respect of any one zone, region or area—

- (a) shall be uniform throughout that zone, region or area;
- (b) may differ from those fixed in respect of another zone, region or area;
- (c) shall not exceed such amount as is prescribed in respect of that class. .

Section 9  
amended.

8. Section 9 of the principal Act is amended—

- (a) by adding after the word “Act” in line three of subsection (1), the words “and the Agriculture Protection Act”;
- (b) by deleting the passage commencing with the word “control” in line fourteen of paragraph (f) of subsection (1) and ending with the word “grasshoppers” in the last line of that paragraph, and substituting the passage “control of, or the prohibition or regulation of the introduction or keeping of, plants or animals to which the Agriculture Protection Act applies or to which any Act repealed by that Act applied”; and
- (c) by adding after the word “Act” in the last line of subsection (2) the words “and the Agriculture Protection Act”.

9. Section 10 of the principal Act is amended by adding after the word "Act" in line four, the words "or the Agriculture Protection Act".

Section 10  
amended.

10. Section 11 of the principal Act is amended—

Section 11  
amended.

(a) by deleting the passage " , prevention and eradication of vermin and noxious weeds" in lines five and six of subsection (2), and substituting the passage "of, and the prohibition and regulation of the introduction of, declared plants and declared animals";

(b) by deleting the words "Noxious Weeds" in the last line of subsection (4), and substituting the words "Agriculture Protection"; and

(c) by adding after the word "Act" in the last line of subsection (5), the words "or the Agriculture Protection Act".

11. The principal Act is amended by repealing section 12.

Section 12  
repealed.

12. The principal Act is amended by repealing section 13.

Section 13  
repealed.

13. Section 17 of the principal Act is amended by adding after the word "Act" in line four, the words "and the Agriculture Protection Act".

Section 17  
amended.

14. Subsection (1) of section 22 of the principal Act is amended by deleting the passage " , nothing in this" in lines one and two, and substituting the passage "in this Act or the Agriculture Protection Act, nothing in this Act or the Agriculture Protection".

Section 22  
amended.

Section 23  
amended.

15. Section 23 of the principal Act is amended by deleting the words "the Advisory Committee or" in line two.

Section 29  
repealed  
and  
re-enacted.

16. The principal Act is amended by repealing section 29 and re-enacting that section as follows—

Power to  
direct  
prosecu-  
tions.

29. The Protection Board may, without prejudice to the provisions of section ninety-eight of the Agriculture Protection Act, order either generally or in any particular case that proceedings be taken for the recovery of any penalties incurred under, or for the punishment of any persons offending against, this Act or the Agriculture Protection Act. .

Section 31  
amended.

17. Section 31 of the principal Act is amended—

(a) by deleting the words "by-laws or regulations" in lines two and three of subsection (1), and substituting the words "Agriculture Protection Act";

(b) by repealing subsection (2) and re-enacting that subsection as follows—

(2) The production of—

(a) a copy of the *Government Gazette* containing any regulation, declaration, proclamation or notice purporting to have been made or given under any of the provisions of this Act or the Agriculture Protection Act; or

(b) a copy purporting to be a true copy of any such regulation, declaration, proclamation or notice, certified as such under the hand of the Chairman or the Chief Officer or an authorised officer of the Protection Board,

shall be evidence until the contrary is proved of the due making, existence, confirmation, approval and giving of such regulation, declaration, proclamation or notice, and of all preliminary steps necessary to give full force and effect to the same. ; and

(c) by adding after subsection (2) a subsection as follows—

(3) The provisions of this section are in addition to, and not in derogation of, those of the Evidence Act, 1906. .

18. The principal Act is amended by deleting the Schedule and substituting a schedule as follows—

Schedule substituted.

SCHEDULE

S.5

Division 1: Shires of Boulder, Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, Ravensthorpe and Yilgarn.

Division 2: Shires of Broome, Carnarvon, Cue, East Pilbara, Halls Creek, Meekatharra, Mt. Magnet, Murchison, Port Hedland, Roebourne, Sandstone, Shark Bay, Upper Gascoyne, West Kimberley, West Pilbara, Wiluna, Wyndham-East Kimberley and Yalgoo.

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

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