

Approved for Reprint 23rd July, 1970.

WESTERN AUSTRALIA.

AGRICULTURE PROTECTION BOARD.

No. 76 of 1950.¹

(Affected by Acts Nos. 61 of 1950, 57 of 1956 and 113 of 1965.)

[As amended by Acts:

- No. 19 of 1951, assented to 27/11/51;
- No. 84 of 1953, assented to 18/1/54;
- No. 73 of 1954,² assented to 14/1/55;
- No. 8 of 1956, assented to 11/10/56;
- No. 2 of 1957,³ assented to 19/8/57;
- No. 70 of 1960,⁴ assented to 5/12/60;
- No. 17 of 1964, assented to 8/10/64;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to provide for the Constitution of an Agriculture Protection Board and for the Co-ordination of the Administration of Certain Acts Relating to the Control, Prevention and Eradication of Noxious Weeds and Vermin and for Other Purposes Incidental Thereto.

[Assented to 5th January, 1951.]

BE it enacted by the King'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. This Act may be cited as the *Agriculture Protection Board Act, 1950-1964*.

Short title.
Amended by
No. 17 of
1964, s. 1.

2. This Act shall come into operation on a day to be fixed by Proclamation.¹

Commence-
ment.

¹ Came into operation on 1st March, 1951. See *Gazette* of 23/2/1951.
² Came into operation on 1st March, 1955. See *Gazette* of 18/2/1955.
³ Came into operation on 6th June, 1958. See *Gazette* of 6/6/1958.
⁴ Came into operation on 30th March, 1961. See *Gazette* of 30/3/1961.

Interpreta-
tion.

3. In this Act, unless the context requires otherwise—

“Advisory Committee” means the Emu and Grasshopper Advisory Committee constituted under the provisions of this Act;

“Noxious Weeds Act” means the Noxious Weeds Act, 1924-1939,¹ and any Act amending or deemed to be substituted for it;

“Protection Board” means the Agriculture Protection Board constituted under the provisions of this Act;

“Protection Fund” means the Agriculture Protection Board Fund referred to in section nine of this Act;

“Road Districts Act” means the Road Districts Act, 1919-1948,² and any Act amending or deemed to be substituted for it;

“to sell” means to sell by wholesale or retail, and includes barter, supply for profit, offer for sale, receive for sale, have in possession for sale, expose for sale, send forward or deliver for sale, cause or suffer or allow to be sold, and the disposal or offer for disposal of goods under hire purchase agreement; and “sale” and “sold” and other derivatives have a corresponding meaning;

“Vermin Act” means the Vermin Act, 1918-1946,³ and any Act amending or deemed to be substituted for it;

expressions used have the same meanings as in the Noxious Weeds Act and the Vermin Act.

Construc-
tion.

4. (1) In this section, any reference to an Act includes a reference to the provisions of the Act and any regulation, by-law, Order in Council, Proclamation, declaration and notice made or given and promulgated under the provisions of that Act.

¹ Now Noxious Weeds Act, 1950-1970.

² Repealed by Local Government Act, 1960.

³ Now Vermin Act, 1918-1970.

(2) This Act shall be construed in conjunction with the Noxious Weeds Act and the Vermin Act and the Road Districts Act, as if the provisions of this Act were incorporated with and formed part of each of those Acts, but where the provisions of this Act are in conflict or are inconsistent with the provisions of any of those Acts, 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 the last preceding subsection, the provisions of this Act shall be in addition to and not in derogation of the provisions of the Noxious Weeds Act and the Vermin Act and the Road Districts Act.

5. (1) For the purposes of co-ordinating the administration of the Noxious Weeds Act and the Vermin Act and the provisions of the Road Districts Act relating to noxious weeds and for carrying this Act into effect, there shall be a board constituted as provided in this section which shall be called The Agriculture Protection Board of Western Australia.

The
Agriculture
Protection
Board of
Western
Australia.
Substituted
by No. 70 of
1960, s. 3.

(2) The Protection Board shall consist of eleven members, including the Chairman.

Eleven
members.

(3) The members of the Protection Board shall be—

(a) the Director of Agriculture, or his deputy, who shall be Chairman, the Chief Vermin Control Officer, who shall be the Chief Executive Officer, and an officer of the State Treasury, each by virtue of his office; or, while any of those offices is vacant, the person acting in that office; and

Three
ex officio
members.

(b) eight persons appointed by the Governor to hold office for a period of three years.

Eight
nominee
members.

(4) Of the eight persons mentioned in paragraph (b) of subsection (3) of this section—

Method of
nomination.

(a) two shall be chosen from a panel of the names of five persons submitted by the body known as The Farmers' Union of Western Australia (Inc.);

- (b) one shall be chosen from a panel of the names of three persons submitted by the body known as The Pastoralists' & Graziers' Association of Western Australia (Incorporated); and
- (c) five shall represent the body known as the Road Board Association of Western Australia, or any body, being an association of Shire Councils, which may succeed that Association, 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 Board of a different Road District 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 Board of a different Road District 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 Board of a different Road District referred to in Division 3 of the Schedule to this Act.

Procedure on
default of
nomination.

(5) The Minister shall, as the occasion requires, by notice in writing to the secretary of any body mentioned in subsection (4) of this section require that body to submit a panel of names, as therein provided, within such period, being not less than one month, as may be stipulated in the notice and if, upon the expiration of the period so stipulated, or such extension of that period as the Minister

thinks fit and is hereby authorised to grant, he has not received the required panel of names, the Minister shall nominate such person as, having regard to the category in respect of which the panel was required, he thinks fit.

(6) Upon the appointment of eight persons, as provided by paragraph (b) of subsection (3) of this section, the office of member of the Protection Board then held by any person, other than any of the three *ex officio* members, is terminated.

Termination
of office of
existing
appointees.

(7) The Protection Board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued and shall have power to purchase, take, hold, sell, lease, exchange, mortgage and dispose of real and personal property.

Board
a body
corporate.

(8) Meetings of the Protection Board shall be held at such times as may be prescribed and until prescribed, when convened by the Chairman.

Meetings.

(9) The Protection Board shall conduct its proceedings in such manner as may be prescribed and until prescribed, as the Protection Board shall determine, but in any case—

Proceedings.

- (a) five members shall constitute a quorum for the conduct of business;
- (b) all matters shall be determined by a majority of the votes of the members present, and where there is an equality of votes the question is to be determined in the negative;
- (c) each member, including the Chairman, shall be entitled to one vote only on the determination of any matter; and
- (d) in the absence of the Chairman, at any meeting, the members present shall appoint

one of their number then present to be Chairman of that meeting.

Vacancy
not to affect
Board's
functions.

(10) The Protection Board may act and exercise all of its powers, notwithstanding any vacancy in membership, and no act or proceeding of the Protection Board shall be invalid or illegal in consequence only of any vacancy in membership existing at the time of any act or proceeding.

Deputies.

(11) (a) The Minister may, in respect of any member of the Protection Board, appoint a person to be the deputy of that member and to represent the same interests as that member.

(b) Any person appointed to be the deputy of a member shall, in the event of the absence of the member, have all the powers of that member during his absence.

(c) No appointment of and no act done in that capacity by a deputy shall be questioned on the ground that the occasion for his appointment had not arisen, or had ceased.

Acceptance
of office.

(12) Acceptance of, or acting in the office of member or deputy member or Chief Executive Officer of the Protection Board by any person shall not of itself render the provisions of the Public Service Act, 1904; the Public Service Appeal Board Act, 1920; the Government Employees (Promotions Appeal Board) Act, 1945; or the Superannuation and Family Benefits Act, 1938, applicable to him nor affect the application of those provisions to him if they applied to him at the time of the acceptance of or acting in the office.

Allowances
and re-
muneration.

(13) Every member of the Protection Board shall be entitled to such allowances and remuneration for his services as may be prescribed.

Minutes.

(14) The Protection Board shall cause to be kept minutes of all its proceedings in such manner and form as the Minister may direct or approve.

5A. Any Act or thing done, or purporting to have been done, under this Act, by the Protection Board, prior to the commencement of the Agriculture Protection Board Act Amendment Act, 1960, is hereby ratified as lawful, confirmed and validated.

Validation.
Added by
No. 70 of
1960, s. 4.

6. Subject to the Minister, this Act shall be administered by the Protection Board.

Administra-
tion.

7. The expenses of the administration of this Act shall be paid out of the Protection Fund.

Expenses of
administra-
tion.

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

Powers and
duties of the
Protection
Board.

Amended by
No. 19 of
1951, s. 4;
No. 84 of
1953, s. 3;
No. 17 of
1964, s. 2;
No. 113 of
1965, s. 8.

(a) making investigations and enquiries into and formulating schemes for the efficient co-ordination of the control, prevention and eradication of—

(i) noxious weeds; and

(ii) vermin;

(b) authorising and directing the expenditure of moneys from the Protection Fund for putting into effect schemes formulated and for the purposes of this Act;

(c) recommending to local authorities the action to be taken for such control, prevention and eradication, where the expenditure involved is to be met from the funds of the local authority;

(d) controlling and prohibiting the trapping or catching by any other means of rabbits for consumption or commercial use on any location or reserve where rabbit destruction experiments are in progress, excepting for the purposes of or in connection with such experiments;

- (e) compelling the owner or occupier of any holding to control, prevent and eradicate vermin and eggs from the holding in such manner as the Protection Board shall direct;
- (f) maintaining, improving, altering, repairing and renewing any Government fence and any other structure or source of water supply upon the land upon which the Government fence is erected and any machinery, implement, livestock, vehicles or other plant, used in connection with the maintenance, improvement, alteration or renewal of Government fences;
- (g) controlling, regulating and prohibiting the sale for use in the control, prevention or eradication of vermin, or noxious weeds, of any apparatus, appliance or substance offered or represented or which may be offered or represented as suitable for any of those purposes;
- (ga) 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, 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;
- (h) purchasing equipment and materials for the control, prevention and eradication of vermin and noxious weeds for resale to any local authority or other person or body pursuant to the provisions of any Act or scheme formulated by the Protection Board at cost price plus such amount to be determined by the Protection Board as shall represent the costs of and incidental to the purchasing, handling, forwarding and administration;

- (i) borrowing in such manner and subject to such conditions as to borrowing and expenditure as the Treasurer shall specify, such sum or sums as shall not exceed at any one time two hundred thousand dollars for—
 - (i) meeting the expenses occasioned by any emergency arising or likely to arise in the control, prevention and eradication of noxious weeds and vermin; and
 - (ii) purchasing wire netting and other appliances required for supply to the owner or occupier of a holding pursuant to the provisions of section eighty-nine of the Vermin Act;
- (j) making advances to—
 - (i) the Boards of vermin districts for the control, prevention and eradication of vermin, where, in the opinion of the Protection Board, the area of, and incidence of vermin in the vermin district involves extraordinary expenditure in controlling, preventing and eradicating vermin;
 - (ii) local authorities for the control, prevention and eradication of noxious weeds;
- (k) (i) payment, subject to the provisions of subparagraphs (ii) and (iii) of this paragraph, of bonuses at such rates, for such periods for destruction of such vermin in such districts as may, for the purposes of this paragraph, from time to time be declared by notice published in the *Gazette* by the Protection Board and until any declaration is made under the provisions of this paragraph to the contrary, the provisions of this paragraph shall apply to the

destruction of dingoes, dogs run wild or at large, foxes, wedge-tailed eagles, emus, emu eggs, wild goats and kangaroos;

- (ii) from time to time by declaration, notice of which shall be published in the *Gazette*, varying the provisions and operations of a declaration made and promulgated pursuant to the power conferred by the last preceding paragraph, by cancelling those provisions and that operation wholly or in part absolutely, or by cancelling those provisions and that operation wholly or in part and substituting other provisions and their operation for those so cancelled;
- (iii) the rates of bonuses in respect of each type of vermin shall be uniform in respect of any one vermin district, but may differ from those in respect of other vermin districts;
- (iv) the rates of bonuses, together with the bonus payable under the provisions of section one hundred and three of the Vermin Act, shall not exceed—
 - for each dingo, or dog run wild or at large, destroyed—two dollars and fifty cents;
 - for each fox destroyed—sixty cents;
 - for each wedge-tailed eagle destroyed—fifty cents;
 - for each emu destroyed—thirty cents;
 - for each emu egg destroyed—five cents;
 - for every one hundred wild goats destroyed—four dollars;
 - for every one hundred kangaroos destroyed—two dollars and fifty cents;

- (l) delegating such of its powers and duties, except this power of delegation, for such time and subject to such conditions as the Protection Board shall determine, to the advisory Committee;
- (m) employing such officers, other than the Chief Executive Officer mentioned in subsection (3a) 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;
- (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, 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, prevention, and eradication of noxious weeds and vermin and as the Protection Board is authorised to do under the provisions of this or any other Act.

8A. Employment or appointment of a person, or use being made of a person's services by the Protection Board, whether before, on or after the day of the coming into operation of the Agriculture Protection Board Act Amendment Act, 1956, does not of itself render the provisions of the Public Service Act, 1904; the Public Service Appeal Board Act, 1920; the Government Employees (Promotions Appeal Board) Act, 1945; or the Superannuation and Family Benefits Act, 1938; applicable to him if not applicable to him at the time of his being so employed or appointed, or use being so made of his services, nor affect the application to him of those provisions if applicable to him at the time of his being so employed or appointed, or use being so made of his services.

Effect of
employment
on rights
under
certain Acts.
Added by
No. 8 of
1956, s. 3.

Funds.
Amended by
No. 8 of
1956, s. 4.

9. (1) The funds necessary for the effectual exercise by the Protection Board of the powers conferred and duties imposed upon it by this Act shall be—

- (a) the sums and contributions referred to in section eleven of this Act;
- (b) such moneys as are, from time to time, appropriated by Parliament for that purpose;
- (c) such moneys as the Protection Board may borrow pursuant to the provisions of this Act;
- (d) the proceeds of any sale, lease, mortgage, exchange or other disposal of land or personal property which the Protection Board is authorised to effect and which may properly be so used;
- (e) the proceeds of investment of any part of the fund which is not required for an immediate use; and
- (f) such moneys as are received on and after the first day of March, one thousand nine hundred and fifty-one, for the sale, rental, hire, lease or otherwise using or disposing of all stocks, including fences, land reserved for the purposes of such fences, sources of water supplies upon such lands, structures, furniture, fittings, machinery, vehicles, livestock, crops, grain, hay, chaff, implements, tools, equipment, materials, and all other goods and plant provided by the Government, whether before, on or after that day, for the purpose of, or in connection with the control, prevention and eradication of noxious weeds and vermin, including grasshoppers.

(2) All such moneys shall be placed to the credit of an account to be kept at the Treasury and called The Agriculture Protection Board Fund and shall be applied to the purposes of this Act.

(3) The Protection Fund shall be operated upon in such manner as may be prescribed.

10. All moneys standing to the credit of the Protection Fund may, until required by the Protection Board in connection with the exercise of its powers or the discharge of its duties under this Act, be temporarily invested as the Treasurer may direct in any securities in which moneys in the Public Account may lawfully be invested, and all interests derived from such investment shall be paid to the credit of the Protection Fund.

Temporary investment.

11. (1) In this section—

“Commission” means The Western Australian Government Railways Commission constituted pursuant to the provisions of the Government Railways Act, 1904-1948;¹

Contributions to Protection Fund.
Amended by No. 84 of 1953, s. 4; No. 17 of 1964, s. 3; No. 113 of 1965, s. 8.

“expenditure” means the expenditure of the Protection Board in carrying out the duties and exercising the powers conferred upon it by this and any other Act;

(2) In each year, pursuant to the authority of the next succeeding subsection, there shall be paid into the Protection Fund for the purpose of meeting expenditure in respect of the control, prevention and eradication of vermin and noxious weeds, and the general expenses of the Protection Board—

- (a) a contribution to be made by the Commission of six thousand dollars; and
- (b) a sum to be appropriated from the consolidated revenue fund, of not less than two hundred and ten thousand dollars.

(3) By virtue of, and without other authorisation than the provisions of this Act—

the Commission shall make the contribution mentioned in paragraph (a) of subsection

¹ Now Government Railways Act, 1904-1967.

(2) of this section;

the sum mentioned in paragraph (b) of that subsection shall be appropriated from the consolidated revenue fund.

(4) The provisions of this section requiring the Commission to make contributions to the Protection Fund shall not be construed so as to affect any responsibility of the Commission to comply with the provisions of the Noxious Weeds Act.

(5) Nothing contained in this section shall limit or affect the expenditure of any other moneys or funds available for the purposes of this Act.

Emu and
Grasshopper
Advisory
Committee.

12. (1) For the purposes of assisting and advising the Protection Board there shall be a committee constituted as provided in this section, which shall be called the Emu and Grasshopper Advisory Committee.

Constitution
of the
Advisory
Committee.

(2) The Advisory Committee shall consist of five members, including the Chairman, all of whom shall be appointed by the Minister and shall comprise—

an officer of the Rural and Industries Bank of Western Australia, who shall be Chairman, and four representative members to represent those parts of the State in which the agricultural industry is carried on and in which the control, prevention or eradication of emus or grasshoppers or both, is required.

Meetings.

(3) Meetings of the Advisory Committee shall be held at such times as may be prescribed and, until prescribed, when convened by the Chairman.

Proceedings.

(4) The Advisory Committee shall conduct its proceedings in such manner as may be prescribed and, until prescribed, as the Advisory Committee shall determine, but in any case—

three members shall constitute a quorum for the conduct of business;

all matters shall be determined by a majority of the votes of the members present, and where there is an equality of votes the question is to be determined in the negative;

each member, including the Chairman, shall be entitled to one vote only on the determination of any matter.

(5) The Advisory Committee may act and exercise all of its powers notwithstanding any vacancy in membership and no act or proceeding of the Advisory Committee shall be invalid or illegal in consequence only of any vacancy in membership existing at the time of any act or proceeding.

Vacancy not to affect Advisory Committee's functions.

(6) (a) The Minister may, in respect of each member of the Advisory Committee, appoint a person to be deputy to that representative member and to represent the same interests as that member.

Deputies.

(b) Any person appointed as a Deputy shall, in the event of the absence of the member, have all the powers of that member during his absence.

(c) No appointment of and no act done in that capacity by a Deputy shall be questioned on the ground that the occasion for his appointment had not arisen, or had ceased.

(7) Acceptance of, or acting in the office of, member or deputy member of the Advisory Committee by any person, shall not of itself render the provisions of the Public Service Act, 1904-1948,¹ the Superannuation Act, 1871-1947,² or the Superannuation and Family Benefits Act, 1938-1947,³ applicable to him nor affect the application of those provisions to him if they applied to him at the time of the acceptance of or acting in the office.

Acceptance of office.

(8) Every member of the Advisory Committee shall be entitled to such allowances, and remuneration for his services as may be prescribed.

Allowances and remuneration.

¹ Now Public Service Act, 1904-1967.

² Now Superannuation Act, 1871-1969.

³ Now Superannuation and Family Benefits Act, 1938-1970.

Minutes.

(9) The Advisory Committee shall cause to be kept minutes of all its proceedings in such manner and form as the Protection Board may direct or approve.

(10) (a) The Advisory Committee may and at the direction of the Protection Board shall make inquiries into and report and formulate recommendations in respect of matters relating to the administration of the provisions of this Act relating to the control, prevention and eradication of emus or grasshoppers, or both.

(b) The Advisory Committee shall present its reports and recommendations to the Protection Board.

(c) The Advisory Committee shall exercise such of the powers and duties of the Protection Board as the Protection Board may delegate to it.

Delegation of powers.

13. (1) The Protection Board may, in relation to any matter or class of matters, or in relation to the whole or any particular part of the State by writing, delegate all or any of its powers and functions under this Act, except this power of delegation, so that the delegated powers or functions may be exercised by the Advisory Committee with respect to the matters or class of matters, or the whole of that part of the State specified in the instrument of delegation.

(2) Every delegation under this section shall be revocable at the will of the Protection Board and no delegation shall prevent the exercise of any power or function by the Protection Board.

(3) Where, by the provisions of this or any other Act, or a regulation in force by virtue of this Act or any other Act—

(a) the exercise of any power or function by the Protection Board; or

- (b) the operation of any provisions of this or any other Act or regulation made under this or any other Act,

is dependent on the opinion, belief, satisfaction or other state of mind of the Protection Board in relation to any matter—

- (c) that power or function, where delegated to the Advisory Committee, may be exercised by the Advisory Committee; or

- (d) that provision may operate,

as the case may be, upon the opinion, belief, satisfaction or state of mind of the Advisory Committee in relation to that matter.

14. In relation to contracts to which the Protection Board is a party, the following provisions shall apply—

Contracts.
Amended by
No. 113 of
1965, s. 8.

- (a) every contract made by the Protection Board may, if the Protection Board thinks fit, specify the person to whose satisfaction the contract is to be completed and the mode of determining any dispute which arises concerning or in consequence of the contract;

Mode of
determining
disputes,
etc.

- (b) the powers granted to the Protection Board under this or any other Act to make contracts may be exercised as follows—

Form of
contracts.

- (i) any contract which, if made between private persons would be required by law to be in writing under seal, may be made on behalf of the Protection Board in writing under the common seal of the Protection Board, and may in the same manner be varied or discharged;

- (ii) any contract which, if made between private persons would be required by law to be in writing signed by the parties to be charged therewith, may be made on behalf of the Protection

Board in writing signed by any person acting under its authority express or implied and may, in the same manner, be varied or discharged;

(iii) any contract which, if made between private persons would be valid in law, although made by parol only and not reduced into writing, may be made by parol on behalf of the Protection Board by any person acting under its authority express or implied and may in the same manner be varied or discharged;

Effect of
contracts.

(c) all contracts so made and duly executed by the parties thereto respectively shall be effectual in law and binding on the Protection Board and all other parties thereto, their successors, heirs, executors or administrators, as the case may be, and in the case of default in the execution of any such contract either by the Protection Board or by any other party thereto, such actions or suits or other proceedings may, subject to the provisions of this Act, be instituted either by or against the Protection Board in its corporate name or by or against the other parties making the default, and such damages and costs recovered as might be instituted and recovered had the like contract been made between private persons;

Sanction of
Governor for
certain
contracts.

(d) no contract made by the Protection Board the consideration of which exceeds ten thousand dollars or the performance of which may extend over a period exceeding three years shall have any force or effect unless sanctioned by the Governor;

Power to
compound
for breach of
contract.

(e) the Protection Board may compound and agree with any person or firm who has entered into any contract with it or against

whom any action or suit is brought for any penalty contained in any such contract or in any bond or other security for the performance thereof or for or on account of any breach or non-performance of any such contract, bond or security for such sum of money or other recompense as the Protection Board thinks proper.

15. The Protection Board shall provide and keep Accounts.
books and enter therein true and regular accounts—

- (a) of all moneys received and paid and of all moneys owing to and by the Protection Board, and of the several purposes for which those moneys are received and paid and owing; and
- (b) of all the assets and liabilities, profits and losses.

16. The Protection Board may, in respect of the Reserve accounts.
exercise of its powers and duties, establish and record in its books, such reserve accounts for renewals or depreciation as it thinks fit, and may in every year, credit to each such reserve account such sums as it thinks fit.

17. Annual estimates of the revenue and expenditure of the Protection Board in connection with the exercise by it of its powers and the discharge of its duties under this Act shall be prepared under such heads and in such manner as the Treasurer shall direct, and shall be submitted to Parliament. Annual estimates.

18. The books of account to be kept by the Protection Board shall be open to the inspection of the Auditor General and any person authorised by him to inspect them, and he may take copies or extracts from them. Books may be inspected.

19. The accounts of the Protection Board in relation to the business carried on by it under this Act shall be balanced every year on the thirtieth day of June. Accounts to be balanced.

Accounts to
be audited.

20. (1) The Protection Board shall, in every year, cause a full and true balance sheet of its assets and liabilities, together with a trading account, and such other statements as may be necessary, to be compiled from the books of account, and to be submitted to the Auditor General for audit.

(2) Such balance sheet and statements shall be so prepared as to show fully and faithfully the financial results of the Protection Board's operations for the year.

(3) The Auditor General shall certify that he has found the accounts in order or otherwise as the case may be, and whether in his opinion the accounts are properly drawn up so as to present a true and correct view of the transactions for the period under review as shown by the books, and all items of receipts and payments and all known liabilities and assets have been brought into account and the value of all assets fairly stated.

(4) The Auditor General shall, in respect of such accounts, have all the powers conferred on him by the Audit Act, 1904-1947.¹

Annual
report.

21. The Protection Board shall prepare an annual report of its proceedings and operations during the preceding year, which report, together with copies of the balance sheet and statements of account then last prepared and audited and the Auditor General's report thereon, shall be laid by the Minister before both Houses of Parliament as soon as practicable in each year.

Saving as to
Government
Departments.
Protection
Board to
confer and
co-operate
with other
departments.

22. (1) Save as otherwise expressly provided, nothing in this Act shall affect any rights, powers, authorities or duties of any Government department.

¹ Now Audit Act, 1904-1966.

(2) Where the exercise of any rights, powers or authorities or the discharge of any duties by the Protection Board may affect the exercise of any rights, powers or authorities or the discharge of any duties by any Government department, the Protection Board shall, so far as practicable, confer and co-operate with that department.

(3) Any question, difference or dispute arising or about to arise between the Protection Board and any Government department with respect to the exercise of any rights, powers or authorities, or the discharge of any duties by either or both of them, may be finally and conclusively determined by the Governor.

23. No matter or thing done by any member of the Protection Board or the Advisory Committee or by any officer or other person appointed or employed under the provisions of this Act, if done *bona fide* in the exercise of his powers or in the performance of his duties under this or any other Act, shall subject him to any personal liability in respect thereof.

Protection of members of Protection Board, officers, etc.

24. (1) [*Repealed by No. 73 of 1954, s. 8.*]

Amended by No. 73 of 1954, s. 8.

(2) [*Repealed by No. 73 of 1954, s. 8.*]

(3) No action shall lie or be brought or continued against the Protection Board in respect of any injury to the person, unless the person injured submits himself to examination by a medical practitioner or medical practitioners appointed by the Protection Board at all reasonable times as the Protection Board may require.

Plaintiff in action for personal injuries to submit to medical examination.

25. Where there is conflict or inconsistency between the provisions of this Act and those of the Workers' Compensation Act, 1912-1949,¹ to the extent of the conflict or inconsistency, the latter shall prevail.

Provisions of Workers' Compensation Act to prevail.

¹ Now Workers' Compensation Act, 1912-1970.

Judicial
notice of
common
seal.

26. All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Protection Board affixed to any deed and shall presume that such seal was properly affixed thereto.

Service of
notices and
legal
proceedings.

27. Any notice, summons, writ or other proceeding required to be served upon the Protection Board may be served by being given personally to the Chairman or the officer of the Protection Board authorised to receive it.

Documents
how authen-
ticated.

28. Every notice, order, summons or other document requiring authentication by the Protection Board may be sufficiently authenticated without the seal of the Protection Board if signed by the Chairman or officer of the Protection Board authorised to sign it.

Power to
direct pro-
secutions.

29. The Protection Board may, without prejudice to the provisions of section one hundred and twenty-eight of the Vermin 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 under or against any by-law or regulation.

Power of
officer to
represent
Protection
Board.

30. In all proceedings before justices or in any Court of petty sessions, any officer of the Protection Board appointed by the Chairman in writing under his hand for that purpose may represent the Protection Board in all respects as though such officer was the party concerned.

Proof of
certain
matters not
required.

31. (1) In any prosecution or legal proceeding under the provisions of this Act or the by-laws or regulations instituted by or under the direction of the Protection Board, no proof shall be required, until evidence is given to the contrary, of—

- (a) the constitution of the Protection Board;
- (b) any order of the Protection Board to prosecute;

- (c) the particular or general appointment of any officer of the Protection Board to take proceedings against any person;
- (d) the powers of the officer to prosecute;
- (e) the appointment of the Chairman or of any member or officer of the Protection Board; or
- (f) the presence of a quorum at any meeting at which any order is made or any act is done by the Protection Board.

(2) The production of—

- (a) a copy of the *Government Gazette* containing any rule, by-law, regulation, declaration, order or notice purporting to have been made or given under any of the provisions of this Act; or
- (b) a copy purporting to be a true copy of any such rule, by-law, regulation, declaration, order or notice certified as such under the hand of the Chairman 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 rule, by-law, regulation, declaration, order or notice and of all preliminary steps necessary to give full force and effect to the same.

32. All documents whatever purporting to be issued or written by or under the direction of the Protection Board and purporting to be signed by the Chairman or an authorised officer, shall be received as evidence in all courts and before all persons acting judicially within the State and shall without proof be deemed to have been issued or written by or under the direction of the Protection Board until the contrary is shown.

Evidence of documents issued by the Protection Board.

33. (1) The Governor may make regulations prescribing forms, fees and other matters and things which, by this Act, are contemplated,

Regulations. Amended by No. 113 of 1965, s. 8.

required, or permitted to be prescribed, or which appear to him necessary or convenient to be prescribed for the purpose of effectually carrying out the provisions of this Act, or for better effecting the objects and purposes of this Act.

(2) The regulations may impose a penalty not exceeding one hundred dollars for a breach of any regulation.

S. 5.
Added by
No. 70 of
1960, s. 5.

SCHEDULE.

Division 1: Boulder, Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, Ravensthorpe and Yilgarn Shire Districts.

Division 2: Ashburton, Broome, Carnarvon, Cue, Halls Creek, Marble Bar, Meekatharra, Mount Magnet, Murchison, Nullagine, Port Hedland, Roebourne, Sandstone, Shark Bay, Tableland, Upper Gascoyne, West Kimberley, Wiluna, Wyndham, East Kimberley and Yalgoo Shire Districts.

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

The names of the bodies originally contained in this Schedule have been varied to the names set out in the Schedule as printed above to accord with the changes in the names or status of certain of these bodies effected by Orders in Council made under the Local Government Act, 1960 as amended. See *Government Gazettes* 23/6/61, pp. 1995-2000; 12/2/65, pp. 512-3, and 12/12/69, p. 4002.