

JUNIOR FARMERS' MOVEMENT

4° Elizabeth II. No. XXIII.

No. 23 of 1955.¹

[As amended by Acts:

No. 30 of 1957, assented to 5th November, 1957;

No. 8 of 1958, assented to 29th September, 1958;

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

AN ACT for the purpose of Sponsoring and Encouraging among youth the Study of Agriculture and Farming, an Appreciation of Rural Life, of Education, and the Ethics of Good Citizenship.

[Assented to 11th November, 1955.]

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. This Act may be cited as the *Junior Farmers' Movement Act, 1955-1958*.

Short title.
Amended by
No. 8 of
1958, s. 1.

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

Commence-
ment.

¹ Came into operation on 7th January, 1957 (see *Gazette*, 4/1/57.)

Interpre-
tation.

3. In this Act unless the context requires otherwise—

“Council” means The Council for the Advancement of the Junior Farmers' Movement, constituted under this Act;

“councillor” means a member of the Council;

“Fund” means The Junior Farmers' Movement Fund established under this Act;

“Minister” means the Minister for Education;

“The Junior Farmers' Movement” means a movement having as its objects—

(a) the promotion of Junior Farmers' Clubs throughout the State; and

(b) through activities of Junior Farmers' Clubs, the sponsoring and encouragement among youth, of the study of agriculture and farming, of appreciation of rural life, of appreciation and continuance of education, of appreciation and the practice of the ethics of good citizenship, and of the intelligent use of leisure.

Purposes of
this Act.

4. The purposes of this Act are to assist in giving effect to the objects of The Junior Farmers' Movement.

Constitution
of the
Council.
Amended by
No. 30 of
1957, s. 2.

5. (1) The Minister shall constitute a body having the name of The Council for the Advancement of the Junior Farmers' Movement by appointing as members of the Council eleven persons, two of whom shall be known as *ex officio* councillors, and the remaining nine of whom shall be known as nominee councillors.

Ex officio
councillors.

(2) Of the persons appointed to the office of *ex officio* councillor,

one shall be an officer of the Department of Agriculture of the State; and

one shall be an officer of the Education Department of the State.

(3) Of the persons appointed to office as nominee councillor, Nominee
councillors.

one shall be a nominee of the University of Western Australia—Institute of Agriculture;

one shall be a nominee of The Farmers Union of Western Australia (Inc.);

one shall be a nominee of The Royal Agricultural Society of Western Australia;

one shall be a nominee of the Country Women's Association of Western Australia;

one shall be a nominee of The Perth Chamber of Commerce;

one shall be a nominee of the Advisory Committee of the West Australian Federation of Junior Farmers' Clubs; and

three shall be nominees of the West Australian Federation of Junior Farmers' Clubs.

(4) The Minister shall from time to time as occasion requires appoint a councillor as chairman of the Council.

(5) (a) The Minister may appoint persons as deputies to act in the respective places of the chairman and other councillors when not able or available to act, and persons so appointed may, while acting, exercise the same powers and are entitled to the same rights and subject to the same liabilities as the councillors for whom they act as deputies.

(b) A person is not eligible for appointment as a deputy of a nominee councillor unless he is nominated as deputy by the body by which the councillor is required under subsection (3) of this section to be nominated or unless paragraph (c) of subsection (6) of this section applies.

(5a) A councillor or a deputy for a councillor, in his capacity as councillor or deputy, is not a public servant under the provisions of the Public Service Act, 1904¹, but if at the time of his appointment to

¹ Now Public Service Act, 1904-1956.

office of councillor or as deputy he is a public servant under the provisions of that Act, his appointment to and service in the office of councillor or as deputy shall be deemed to be without prejudice to his rights under that Act, or any other Act applying to him as a public servant.

(6) (a) The Minister shall determine the manner in which persons may be nominated by the bodies mentioned in subsection (3) of this section to office as a nominee councillor or deputy.

(b) Without affecting the generality of the power conferred by paragraph (a) of this subsection the Minister may, from time to time as occasion requires, request a body mentioned in subsection (3) of this section to nominate, within a specified period, for appointment as nominee councillor or deputy, any number of persons not exceeding three, and may appoint such one of them as he thinks fit.

(c) If no nomination is made in the manner determined, or within the period specified, by the Minister, he may appoint such person as he thinks fit to fill the office of nominee councillor or deputy, as the case may be.

(7) (a) The term of tenure of office of a person appointed to office of councillor is, except as mentioned in paragraphs (b), (c) and (d) of this subsection, three years from and including the day of his appointment, but the Minister may, during the term, remove him from office if it appears to the Minister that the person has become unsuitable to continue in office because of mental or physical infirmity or illness, neglect of duty as a councillor, or misbehaviour whether in his capacity of councillor or otherwise.

(b) The term of tenure of office of an *ex officio* councillor continues until terminated by the Minister.

(c) The term of tenure of office of a councillor nominated by the West Australian Federation of Junior Farmers' Clubs shall not exceed two years from and including the day of his appointment.

(d) The term of tenure of office of nominee councillors first appointed to the office after the passing of this Act, other than those nominated by the West Australian Federation of Junior Farmers' Clubs, shall be,

as to two of them, one year; and

as to two of them, two years;

from and including the day of appointment.

(e) In order to determine which two of the nominee councillors first appointed shall have a term of office of one year, and which two shall have a term of office of two years, the chairman shall draw lots at the first meeting of the Council.

(8) The office of a councillor becomes vacant if

(a) he dies;

(b) he resigns by written resignation delivered to the Minister;

(c) he is removed from office under paragraph (a) of subsection (7) of this section;

(d) he, being a councillor nominated by a body mentioned in subsection (3) of this section, the body gives written notice to the Minister that the body no longer desires to be represented on the Council by the councillor; or

(e) the term of his tenure of office expires by effluxion of time.

(9) (a) Where there is a vacancy in office of councillor, the Minister shall appoint a person to fill the vacancy.

(b) Where the vacancy is in the office of a nominee member the Minister shall not appoint a person to fill the vacancy unless he is nominated by the appropriate body mentioned in subsection (3), or unless paragraph (c) of subsection (6) of this section applies.

(c) Where a vacancy in office of a councillor occurs during the term of office of the councillor, the person appointed to fill the vacancy is entitled to occupy the office only for the remainder of that term.

(d) A person is not rendered ineligible for appointment to office of councillor or deputy because he has previously occupied office as such, unless he has been removed under paragraph (a) of subsection (7) of this section for misbehaviour.

(10) (a) Six councillors or their respective deputies, including the chairman or his deputy if present, constitute a quorum of the Council, and may carry out the functions of the Council as effectively as if all members were present.

(b) If the chairman or his deputy is absent, the councillors present may appoint one of their number to act as chairman, and the councillor so appointed shall have the powers of the chairman during the absence of the chairman and his deputy.

(c) The decision of the Council on a question is that of the majority of members present each of whom is entitled to, and shall exercise, one vote, but in case of an equal division of votes, the question shall be deemed to have been decided in the negative.

(d) Anything done by the Council is not invalid or defective on the ground that when done, there was a vacancy in, or defect in appointment to, office on the Council.

(11) The first meeting of the Council shall be held at a time and place appointed by the Minister and thereafter meetings shall be held at times and places appointed by the Council.

(12) The chairman and other councillors and their respective deputies are entitled to such reimbursements of expenditure, as the Minister from time to time determines and is hereby authorised to determine.

6. The Minister may from time to time issue directions relating to the purposes of this Act to the Council either generally or in respect of any particular matter and the Council shall give effect to directions so issued.

Council is responsible to Minister.

7. (1) The Council is not an agency or instrumentality of the Crown.

Council is not a Crown agency or instrumentality.

(2) (a) Notwithstanding the provisions of subsection (1) of this section, the Council may request that the inclusion of the Council as a department for the purposes of the Superannuation and Family Benefits Act, 1938¹, be recommended by the Minister having the administration of the Act and approved by the Treasurer.

Amended by No. 8 of 1958, s. 2.

(b) If a request is made pursuant to paragraph (a) of this subsection,

(i) then notwithstanding the interpretation of the term, "department" in subsection (1) of section six of the Superannuation and Family Benefits Act, 1938¹, the Treasurer, on the recommendation of the Minister mentioned in that interpretation, may, if the Council enters into the agreement and makes the arrangements required by the proviso to that interpretation, approve the inclusion of the Council as a department for the purpose of that Act; and

Cf. No. 34 of 1938 as amended.

(ii) the Council is authorised to enter into and carry out the agreement and the arrangements.

(c) If the Treasurer so approves the inclusion of the Council as a department, the Council shall be deemed a department for the purposes of that Act, but no such approval, and no provision of this subsection constitutes the Council a department for any other purpose, or constitutes the Council a Crown instrumentality.

¹ Now Superannuation and Family Benefits Act, 1938-1960.

(d) No officer of the Council is compelled to become a contributor for pension, superannuation, or benefits under this section.

Functions,
powers and
duties of the
Council.
Amended by
No. 30 of
1957, s. 3.

8. (1) The functions of the Council are
- (a) to give effect to the purposes of this Act; and
 - (b) to formulate and tender advice to the incorporated body called the West Australian Federation of Junior Farmers' Clubs in all aspects of its activities, with power to review and amend programmes, and to suggest programmes, of activities of that body.

(2) The Council, for the purposes of carrying out its functions and duties, and of exercising its powers under this Act,

- (a) may with the approval of the Minister appoint, supervise, control, suspend and dismiss officers who shall not be appointed pursuant to the provisions of the Public Service Act, 1904¹, but who when appointed shall be entitled to such leave of absence, and to such rights prescribed by or pursuant to the provisions of the Superannuation and Family Benefits Act, 1938², as would apply if they were appointed pursuant to the provisions of the Public Service Act, 1904;
- (b) may, in the name of the Council, with the approval of the Minister,
 - (i) acquire, hold, dispose of, and borrow money on the security of, any estate in land, and any other property;
 - (ii) enter into contracts; and
 - (iii) sue, compromise and settle claims and actions, and enter into submissions to arbitration;
- (c) may, in the name of the Council, be sued;

Cf. No. 30 of
1918, s. 4, as
to "estate"
and "land."

¹ Now Public Service Act, 1904-1956.

² Now Superannuation and Family Benefits Act, 1938-1960.

- (d) shall cause to be recorded and kept true and proper minutes of its proceedings; and
- (e) shall conduct its proceedings in such manner as the Council from time to time determines and is hereby authorised to determine, but if regulations relating to the conduct of its proceedings are made, shall conduct its proceedings in accordance with the regulations.

(3) The functions, powers, and duties of the Council also include such other functions, powers, and duties as are prescribed in this Act, or by regulations which the Governor may make, and is hereby authorised to make for the purposes of this Act.

9. (1) For the purposes of this Act there shall be a fund to be called **The Junior Farmers' Movement Fund**, which shall be administered by the Council.

The Fund.

(2) Money from time to time belonging to the Fund shall be deposited in an account to be called **The Junior Farmers' Movement Fund Account** which shall be kept at the Treasury.

(3) The Fund shall consist of

- (a) amounts appropriated from time to time by Parliament for the purposes of this Act;
- (b) gifts of money made for the purposes of this Act, and the proceeds of other gifts made for those purposes;
- (c) the income derived from the investment of money forming part of the Fund; and
- (d) the proceeds of disposal, or borrowing on the security, of property.

10. Where any money forming part of the Fund is not immediately required for the purposes of this Act, the Council may, with the approval of the Minister, invest it in any investments authorised by law as those in which trust funds may be invested.

Council may invest money forming part of the Fund.

Application
of money
in the Fund.

11. (1) The Council may, with the approval of the Minister, use and apply, except as mentioned in subsection (2) of this section, money in the Fund for all or any of the following purposes—

- (a) the payment of the costs of administering this Act;
- (b) the payment of the general administrative expenses of the Council;
- (c) the payment of officers appointed under paragraph (a) of subsection (2) of section eight of this Act; and
- (d) the payment of subsidies and the making of loans to any organisations approved by the Minister and having objects or some objects which relate to the encouragement or advancement of The Junior Farmers' Movement.

(2) Where gifts of money or other gifts have been made upon conditions for the purposes of this Act, the Council shall use or apply money representing those gifts in accordance with the conditions upon which the gifts were made.

Accounts.

12. (1) The Council shall cause to be kept true and regular accounts—

- (a) of money received into and belonging to the Fund;
- (b) of money expended from the Fund and the purposes for which it has been expended; and
- (c) of the assets and liabilities of the Council.

Annual
balance.

(2) The Council shall cause the accounts to be balanced at the thirtieth day of June in each year.

Audit.

(3) The Auditor General

- (a) has in respect of the accounts the powers conferred upon him by the Audit Act, 1904;

- (b) shall arrange for the audit of the accounts; and
- (c) shall, as soon as practicable after the completion of the audit in each year, prepare and deliver to the Council a report on the audit of the accounts.

13. As soon after having received the Auditor General's report as is practicable the Council

Annual report.

- (a) shall present a true copy of it to both Houses of Parliament; and
- (b) shall submit to the Minister for presentation to both Houses of Parliament a report of its activities during the year to which the Auditor General's report relates.

14. (1) The chairman of the Council may execute documents on behalf and by authority of the Council.

Execution and authorisation of documents.

(2) Production of a document which purports to have been signed on behalf of the Council by the chairman is, in absence of proof to the contrary, proof that the document was executed on behalf and by authority of the Council, without the necessity of proof of his signature or occupancy of office, or the authority of the Council.

15. A person who, whether as Minister, a member of the Council, or a person whose services are employed or engaged by the Council, is not personally liable for anything which he does or omits in good faith in pursuance or purported pursuance of the provisions of this Act.

Persons acting in good faith are not liable personally.

16. The Governor may make regulations which appear to him to be necessary or convenient for effectually carrying out the objects and purposes of this Act.

Regulations.