

[Approved for reprint 1st November, 1978.]

WESTERN AUSTRALIA.

RURAL YOUTH 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;

No. 19 of 1974,² assented to 16th October, 1974,

and reprinted pursuant to 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—

1. This Act may be cited as the *Rural Youth Movement Act, 1955-1974.*

Short title.
Amended
by No. 19 of
1974, s. 1.

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

Commence-
ment.

2A. (1) On and after the coming into operation of this section the body constituted by this Act and known as The Council for the Advancement of the

Change of
name of
Council.
Added by
No. 19 of
1974, s. 3.

¹ Came into operation 7th January, 1957; See G.G. 4/1/57, p. 1.

² Came into operation 1st January, 1975; See G.G. 20/12/74, p. 5591.

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Junior Farmers' Movement is preserved and continues in existence as a body under and subject to the provisions of this Act by the name "The Council for the Advancement of the Rural Youth Movement", and its rights, powers, functions, duties, and liabilities shall not be affected.

(2) A reference to The Council for the Advancement of the Junior Farmers' Movement or to the West Australian Federation of Junior Farmers' Clubs, whether by use of those names or a similar or abbreviated form of those names—

- (a) in any law of the State passed or made before the coming into operation of this section;
- (b) in any document or other instrument made, executed, entered into, or done before the coming into operation of this section; and
- (c) made before the coming into operation of this section in any other manner,

shall, unless the context is such that it would be incorrect or inappropriate, be read and construed as a reference to The Council for the Advancement of the Rural Youth Movement or the Western Australian Federation of Rural Youth Clubs, as the case requires.

(3) For the purposes of this section the term "law of the State" means—

- (a) an Act;
- (b) regulations, rules, or by-laws having effect by virtue of an Act; and
- (c) an instrument having effect by virtue of an Act or of any regulations, rules or by-laws referred to in paragraph (b) of this subsection.

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3. In this Act unless the context requires otherwise—

Interpretation.
Amended by
No. 19 of
1974, s. 4.

“Council” means The Council for the Advancement of the Rural Youth Movement, constituted under this Act;

“councillor” means a member of the Council;

“Fund” means The Rural Youth Movement Fund established under this Act;

“Minister” means the Minister for Education;

“The Rural Youth Movement” means a movement having as its objects—

(a) the promotion of Rural Youth Clubs throughout the State; and

(b) through activities of Rural Youth 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.

4. The purposes of this Act are to assist in giving effect to the objects of The Rural Youth Movement.

Purposes of
this Act.
Amended by
No. 19 of
1974, s. 4.

5. (1) The Minister shall constitute a body having the name of The Council for the Advancement of the Rural Youth 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.

Constitution of
the
Council.
Amended by
No. 30 of
1957, s. 2;
No. 19 of
1974, s. 4.

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

Ex officio
councillors.

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.

Nominee
councillors.

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

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 Western Australian Federation of Rural Youth Clubs; and

three shall be nominees of the Western Australian Federation of Rural Youth 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, 1904, but if at the time of his appointment to 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 Western Australian Federation of Rural Youth Clubs shall not exceed two years from and including the day of his appointment.

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(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 Western Australian Federation of Rural Youth 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.

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(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.

Council is responsible to Minister.

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 not a Crown agency or instrumentality.
Amended by No. 8 of 1958, s. 2.

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

(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, 1938, be recommended by the Minister having the administration of the Act and approved by the Treasurer.

(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, 1938, 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 purposes of that Act; and

(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.

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

Cf. No. 34 of 1938 as amended.

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 Western Australian Federation of Rural Youth Clubs in all aspects of its activities, with power to review and amend programmes, and to suggest programmes, of activities of that body.

Functions,
powers and
duties of the
Council.
Amended by
No. 30 of
1957, s. 3;
No. 19 of
1974, s. 4.

(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, 1904, 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, 1938, 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;

(d) shall cause to be recorded and kept true and proper minutes of its proceedings; and

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

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- (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.

The Fund.
Amended by
No. 19 of
1974, s. 4.

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

(2) Money from time to time belonging to the Fund shall be deposited in an account to be called The Rural Youth 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.

Council
may invest
money
forming part
of the Fund.

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.

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—

Application of money in the Fund. Amended by No. 19 of 1974, s. 4.

- (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 Rural Youth 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.

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

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.

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

Annual balance.

(3) The Auditor General—

Audit.

- (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.

Annual report.

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

- (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.

Execution and authorisation of documents.

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

(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.

Persons acting in good faith are not liable personally.

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.

Regulations.

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.