

WESTERN AUSTRALIA

SOIL FERTILITY RESEARCH AMENDMENT ACT

No. 58 of 1987

AN ACT to amend the *Soil Fertility Research Act 1954*.

[Assented to 5 November 1987]

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:—

Short title

1. This Act may be cited as the *Soil Fertility Research Amendment Act 1987*.

Commencement

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

Principal Act

3. In this Act the *Soil Fertility Research Act 1954** is referred to as the principal Act.

[*Reprinted as approved 17 July 1975.]

Section 2 amended

4. Section 2 of the principal Act is amended by deleting the definition of “trustees” and substituting the following definition—

“ “trustees” means the trustees appointed under section 4. ”.

Section 4 repealed and sections 4 and 4A substituted

5. Section 4 of the principal Act is repealed and the following sections are substituted—

Trustees

- “ 4. (1) There shall be 5 trustees of the Fund appointed by the Minister of whom—
- (a) 3 shall be nominated by the body known as The Western Australian Farmers Federation (Inc.);
 - (b) one shall be a member of the School of Agriculture of The University of Western Australia nominated by the Senate of that University; and
 - (c) one shall be nominated by the Permanent Head of the Department of Agriculture.

(2) Where a nomination for appointment under subsection (1) is required to be made the Minister shall request that a nomination be so made and in default of such a nomination within 28 days after that request the Minister may appoint as a trustee such person as he thinks fit and a person appointed in accordance with this subsection shall hold office as if he had been nominated as required by subsection (1).

(3) Except as otherwise provided by this Act a trustee shall hold office for such term, being not more than 3 years, as is specified in his instrument of appointment, but he may from time to time be reappointed.

(4) A trustee, unless he sooner dies or resigns or is removed from office, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

Vacation of office by trustee

4A. (1) A trustee may resign his office by notice in writing delivered to the Minister.

(2) A Trustee may be removed from office at any time by the Minister—

(a) for—

- (i) mental or physical disability;
- (ii) incompetence;
- (iii) neglect of duty; or
- (iv) misconduct,

impairing the performance of his functions and proved to the satisfaction of the Minister; or

(b) if he is an insolvent under administration within the meaning of the *Companies (Western Australia) Code*. ”.

Section 6 added

6. After section 5 of the principal Act the following section is added—

Review of Act

“ 6. (1) The Minister shall carry out a review of the operation of this Act as soon as practicable after 1 December 1992 and in the course of such review the Minister shall consider and have regard to—

- (a) the effectiveness of the management of the Fund by the trustees;
- (b) the need for the continuation of the Fund; and
- (c) such other matters as appear to him to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on his review of the Act and shall, as soon as practicable after the preparation thereof, cause the report to be laid before each House of Parliament. ”.
