

WESTERN AUSTRALIA

**AGRICULTURE AND RELATED
RESOURCES PROTECTION
AMENDMENT ACT**

No. 59 of 1986

AN ACT to amend the *Agriculture and Related Resources Protection Act 1976*.

[Assented to 26 November 1986.]

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 *Agriculture and Related Resources Protection Amendment Act 1986*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act, the *Agriculture and Related Resources Protection Act 1976** is referred to as the principal Act.

[**Reprinted as approved 10 February 1981 and amended by Acts Nos. 76 of 1981, 31 of 1983 and 112 of 1984.*]

Section 5 repealed

4. Section 5 of the principal Act is repealed.

Section 7 amended

5. Section 7 of the principal Act is amended in subsection (1) by deleting the definitions of "section" and "subsection".

Section 102 repealed and a section substituted

6. Section 102 of the principal Act is repealed and the following section is substituted—

Offences to be heard by magistrate

" 102. Proceedings for an offence against this Act shall be heard and determined by a court of summary jurisdiction composed of a stipendiary magistrate. "

Various penalties amended

7. The principal Act is amended as set out in the following Table—

TABLE

<i>Provision affected</i>	<i>Amendment</i>
Sections 42 and 49	Delete the penalty provision, substitute " Penalty: For a first offence, \$100; for any subsequent offence, \$500. "
Section 44	Delete the penalty provision at the foot of subsection (1), substitute " Penalty: For a first offence, \$200; for any subsequent offence, \$1 000. "

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- Section 51 Delete the penalty provision at the foot of subsection (1), substitute " Penalty: For a first offence under paragraph (a) or (b), \$200; for any subsequent offence under the same paragraph, \$1 000. "
- Sections 72, 77 and 78 Delete the penalty provision, substitute " Penalty: For a first offence under paragraph (a) or (b), not less than \$100 nor more than \$1 000; for any subsequent offence under the same paragraph, not less than \$1 000 nor more than \$5 000. "
- Sections 74 and 79 (1) Repeal subsection (3).
(2) Delete the penalty provision, substitute " Penalty: For a first offence under subsection (1) or (2), not less than \$100 nor more than \$500; for any subsequent offence under the same subsection, not less than \$500 nor more than \$2 000. "
- Section 75 (1) Repeal subsection (4).
(2) Delete the penalty provision, substitute " Penalty: For a first offence under subsection (1), (1a), (1b) or (2), not less than \$100 nor more than \$500; for any subsequent offence under the same subsection, not less than \$500 nor more than \$2 000. "
- Section 80 Delete the penalty provision at the foot of subsection (1), substitute " Penalty: For a first offence, not less than \$100 nor more than \$1 000; for any subsequent offence, not less than \$1 000 nor more than \$5 000. "
- Section 81 Delete the penalty provision, substitute " Penalty: For a first offence, not less than \$100 nor more than \$1 000; for any subsequent offence, not less than \$1 000 nor more than \$5 000. "
- Section 83 Delete the penalty provision at the foot of subsection (1), substitute " Penalty: For a first offence, not less than \$100 nor more than \$500; for any subsequent offence, not less than \$500 nor more than \$2 000. "
- Section 87 Delete "Two hundred dollars", substitute " \$500 ".
Section 92 (6) Delete "Fifty dollars", substitute " \$100 ".
Section 108 Delete "five hundred dollars", substitute " \$1 000 ".

Transitional

8. Where, before the day on which this Act comes into operation, proceedings for an offence against this Act have, in accordance with the principal Act as in force before this Act came into operation, been heard or partly heard by a court of summary jurisdiction that is not composed of a stipendiary magistrate, those proceedings may be heard and determined as if section 6 of this Act had not been enacted.
