# AGRICULTURE AND RELATED **RESOURCES PROTECTION.**

No. 31 of 1983.

### AN ACT to amend the Agriculture and Related Resources Protection Act 1976-1981.

[Assented to 1 December 1983.]

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. (1) This Act may be cited as the Agriculture Short title and citation. and Related Resources Protection Amendment Act 1983.

(2) In this Act the Agriculture and Related Re- Reprinted as approved 10 sources Protection Act 1976-1981 is referred to as and referred to as a second to a sec the principal Act.

amended by Act No. 76 of 1981.

(3) The principal Act as amended by this Act may be cited as the Agriculture and Related Resources Protection Act 1976-1983.

<sup>Commence-</sup> 2. This Act shall come into operation on the 28th day after the day on which it is assented to by the Governor.

- Section 36 amended.
- 3. Section 36 of the principal Act is amended in subsection (4) by deleting "prescribed conditions and restrictions" in each of paragraphs (d) and (f) and substituting in each case the following—
  - " conditions and restrictions imposed by or under the regulations".

Section 50 amended.

4. Section 50 of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

- " (1) Without affecting any proceeding against or liability of any occupier under section 49—
  - (a) an inspector or an authorized person may, if he is satisfied that an occupier of private land is not making all reasonable endeavours to comply with that section, serve on the occupier or the owner of the land, or on both the occupier and the owner, a notice in writing;
  - (b) the Protection Board may, for the purpose of co-ordinating the control of declared plants or declared animals by occupiers of private land in a particular area, serve on the occupier or the owner of any such land, or on both the occupier and the owner, a notice in writing,

1983.]

#### Agriculture and Related Resources Protection.

[No. 31.

directing that declared plants or declared animals specified in the notice be controlled on and in relation to the land in the manner and to the extent specified in the notice and specifying a commencement date on or before which the person on whom the notice is served shall commence to comply with the direction contained in the notice and a completion date on or before which that person shall fully comply with that direction. ".

Section 51 of the principal Act is amended by Section 51 amended. 5. inserting after subsection (2) the following subsection-

- " (2a) In any proceeding under subsection (1) for an offence relating to a notice by the Protection Board under section 50 (1) (b), it is a defence for the defendant to show that the direction contained in the notice was, in so far as it applied to the land to which the proceedings relate, unnecessary or inappropriate. ".
- 6. Section 56 of the principal Act is amended— Section 56 amended.
  - (a) in subsection (1), by inserting before "of inspectors" the following-
    - " of the Protection Board or ": and
  - (b) in subsection (2), by inserting before "an inspector" the following-
    - " the Protection Board or ".
- 7. Section 60 of the principal Act is amended—

Section 60 amended.

(a) in subsection (2), by deleting "the Protection Board, with the approval of the Minister, imposes by notice published in the Gazette on or before the thirtieth day of June immediately preceding that financial

year" and substituting the following-

- " may be imposed under subsection (3) in respect of such land ";
- (b) by repealing subsection (3) and substituting the following subsections—
  - " (3) The Protection Board, with the approval of the Minister, may, by notice published in the *Gazette* on or before the thirtieth day of June immediately preceding a financial year to which this section applies, impose—
    - (a) in respect of land held under pastoral lease that is not in the specified part of the State, a general rate in respect of that financial year at a rate not exceeding 8 cents in the dollar of the unimproved value of the land; and
    - (b) in respect of land held under pastoral lease that is in the specified part of the State, a general rate in respect of that financial year—
      - (i) at the rate imposed under paragraph (a) of this subsection in respect of land to which that paragraph applies; or
      - (ii) at a rate such that the total amount assessed to be payable in respect of that financial year by way of general rates in respect of land held under pastoral lease that is in the specified

## Agriculture and Related Resources Protection.

[No. 31.

part of the State is onethird of the total amount assessed to be so payable in respect of all land so held in the State,

whichever is the lesser.

(4) In subsection (3) "specified part of the State" means that part of the State described in the Schedule to this Act.

(5) Where a rate, expressed in cents in the dollar, is calculated in accordance with subsection (3) (b) (ii), any part of a cent that is less than 0.01 cent shall be disregarded. ".

- 8. Section 62 of the principal Act is amended— Section 62 amended.
  - (a) by repealing subsection (1); and
  - (b) in subsection (2), by deleting "section 61" and substituting the following—
    - " each of sections 60 and 61 "; and
  - (c) by inserting after subsection (6) the following subsections—
    - " (7) Subsections (3), (3a), (4), (5) and (6) do not apply in relation to a rate imposed under section 60 or 61 in respect of the financial year commencing on the first day of July 1984 or any financial year thereafter.

(8) In relation to a rate imposed under section 60 or 61 in respect of the financial year commencing on the first day of July 1984 or any financial year thereafter the relevant annual rent on No. 31.] Agriculture and Related [1983. Resources Protection.

> a pastoral lease is, for the purposes of this section, the annual rent payable in respect of that lease as at the first day of February immediately preceding the financial year in respect of which the rate applies. ".

- Section 65 Section 65 of the principal Act is amended by 9. amended. repealing subsection (2).
- Section 71 Section 71 of the principal Act is amended— 10. amended.
  - (a) in subsection (1), by inserting after the definition of "sack" the following definition---
    - " "seed" means any seed to which the provisions of sections 74 and 75 have been declared to apply under subsection (2); "; and
  - (b) in subsection (2), by inserting after "such" the following-
    - " seed, ".
  - 11. Section 74 of the principal Act is amended—
    - (a) in subsection (1), by inserting after "sack,", each place where it occurs, in the following-
      - " seed, "; and
    - (b) in subsection (2), by inserting after "sacks," the following-
      - " seed, ".

Section 74 amended.

- 12. Section 75 of the principal Act is amended— Section 75 amended.
  - (a) in subsection (1), by inserting after "sack," the following—

- (b) by inserting after subsection (1) the following subsections—
  - " (1a) A person who, in any part of the State, sells or offers or exposes for sale any coat, fodder, machinery, sack, seed, wool pack or restricted animal shall first examine it or cause it to be examined for the presence of material that is prohibited material in that or any other part of the State.

(1b) Subject to subsection (5), a person shall not, in any part of the State, sell or offer or expose for sale any coat, fodder, machinery, sack, seed, wool pack or restricted animal in or on which there is any material that is prohibited material in that part of the State except pursuant to approval given by an inspector or authorized person and in accordance with the conditions, if any, subject to which that approval is given. ";

- (c) in subsection (2)—
  - (i) by inserting after "(1)" the following—

" or (1a) "; and

- (ii) by inserting after "fodder" in paragraph (b) the following—
  - ", seed ";

<sup>&</sup>quot; seed, ";

- No. 31.] Agriculture and Related [1983. Resources Protection.
  - (d) in subsection (3), by inserting after "sack," the following—

" seed, ";

- (e) in subsection (4), by inserting after "(1)" the following—
  - " (1a), (1b) "; and
- (f) by inserting after subsection (4) the following subsection—
  - " (5) The regulations may provide that subsection (1b) does not apply in circumstances, or circumstances of a kind, specified in the regulations and the operation of that subsection is subject to any such provision of the regulations. ".

section 78 13. Section 78 of the principal Act is amended by deleting "prescribed" and substituting the following—

- " imposed by or under the regulations ".
- section 81 14. Section 81 of the principal Act is amended by deleting "prescribed" and substituting the following—
  - " imposed by or under the regulations ".

Section 94A amended.
15. Section 94A of the principal Act is amended by deleting "Protection".

Section 105 amended.

- 16. Section 105 of the principal Act is amended-
  - (a) in paragraph (s)—
    - (i) by deleting ", providing for";

- 1983.] Agriculture and Related [No. 31. Resources Protection.
  - (ii) by inserting before "the" in the first place where it occurs in each of subparagraphs (i), (ii) and (iii), the following—
    - " providing for ";
  - (iii) by deleting "and" after subparagraph (ii); and
  - (iv) by inserting after subparagraph (iii) the following—

"

#### and

- (iv) prescribing fees for the issue of permits under regulations made pursuant to this paragraph and fees for carrying out inspections for the purpose of determining whether any such permits should issue, and providing for the recovery of such fees; "; and
- (b) in paragraph (t)—
  - (i) by deleting the semicolon at the end of subparagraph (iii) and substituting a comma; and
  - (ii) by inserting at the end of the paragraph the following—
    - " authorizing the Protection Board to impose, in any permit issued by it under regulations made pursuant to this paragraph, any further conditions and restrictions as to such introduction, keeping, sale, or disposal that it sees fit to specify in the permit, prescribing fees for the issue of such permits and fees for

"

carrying out inspections for the purpose of determining whether, or the conditions and restrictions subject to which, any such permit should issue, and providing for the recovery of such fees; ".

Schedule added. 17. After section 119 of the principal Act the following schedule is added—

SCHEDULE. S. 60 (4). All that portion of the State of Western Australia bounded by a line starting at the intersection of the Low Water Mark of the Indian Ocean with the prolongation north of the westernmost western boundary of Pastoral Lease 3116/1079 (Wallal Downs) and extending south to that boundary and south, east, again south, again east, north, again east, again north, again east and again north along boundaries of that pastoral lease to the 20th parallel of South Latitude; thence east along that parallel to the prolongation north of the western boundary of the north-western severance of Pastoral Lease 3114/1106 (Lake Gregory); thence south to and along that boundary and onwards to the westernmost north-western corner of the southeastern severance of the last mentioned pastoral lease; thence south, east, north, again east, again north, again east and again north along boundaries of that severance and onwards to the 20th parallel of South Latitude: thence east along that parallel to the 129th meridian of East Longitude; thence north along that meridian to the Low Water Mark of the Timor Sea; and thence generally north-westerly along that low water mark and generally south-westerly along the Low Water Mark of the Indian Ocean to the starting point. ".