

AGRICULTURE AND RELATED RESOURCES PROTECTION.

No. 55 of 1979.

AN ACT to amend the Agriculture and Related
Resources Protection Act, 1976-1978.

[Assented to 12th November, 1979.]

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 and Related Resources Protection Act Amendment Act, 1979*. Short title and citation.

(2) In this Act the Agriculture and Related Resources Protection Act, 1976-1978 is referred to as the principal Act. Act No. 42 of 1976 amended by Act No. 40 of 1978.

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(3) The principal Act as amended by this Act may be cited as the Agriculture and Related Resources Protection Act, 1976-1979.

Commence-
ment.

2. (1) Sections 3, 7, 10 and 11 and paragraph (b) of section 4 of this Act shall be deemed to have come into operation on the day that the Agriculture and Related Resources Protection Act, 1976 came into operation.

(2) The provisions of this Act other than those referred to in subsection (1) of this section shall come into operation on the day that this Act receives the Royal Assent.

Long title
amended.

3. The long title of the principal Act is amended by adding after the passage "animals," in line six the passage "for the protection of agriculture and related resources generally,".

Section 5
amended.

4. Section 5 of the principal Act is amended—

(a) by adding immediately after the passage "*Division 3.—Regional Advisory Committees, ss. 28-34.*" in the penultimate and last lines of the arrangement of Part III the passage "*Division 4.—General, s. 34A.*"; and

(b) by adding immediately after the passage "*Division 2.—Declared Animals, ss. 77-83.*" in the last line of the arrangement of Part VI the passage "PART VIA.—PROTECTION OF AGRICULTURE AND RELATED RESOURCES FROM AGRICULTURAL CHEMICALS, s. 83A.".

Section 15
amended.

5. Section 15 of the principal Act is amended by adding after subsection (14) the following subsection—

(15) Where a member of an authority is absent from a meeting of the authority and—

(a) no person has been appointed as deputy of that member; or

- (b) the person who is appointed to be the deputy of that member is also absent from the meeting,

any other deputy of a member may, if authorized in writing by the member who is absent from the meeting, attend that meeting and, when so attending, is deemed to be a member of the authority and has all the powers, functions and duties of a member of the authority. .

6. The principal Act is amended by adding immediately after section 34 the following Division—

Division 4 of Part III added.

Division 4.—General.

34A. Notwithstanding anything in this Act, where in relation to the nomination of a person for appointment as a member of an authority or committee—

Nomination of persons other than eligible persons.

- (a) a council is of the opinion that no member of the council is suitable for, or willing to accept, nomination for appointment; or
- (b) a producer association desires to nominate for appointment a person other than a person who is a member of the producer association,

the council or producer association, as the case requires, may nominate a person other than an eligible person for appointment as a member of the authority or committee concerned and the Protection Board may appoint any person so nominated. .

Part VIA
added.

7. The principal Act is amended by adding immediately after section 83 the following Part—

PART VIA.—PROTECTION OF AGRICULTURE AND
RELATED RESOURCES FROM
AGRICULTURAL CHEMICALS.

Protection
from
agricultural
chemicals.

83A. (1) The object of this section is to protect agriculture and related resources, from danger or detriment likely to result from the storage, use, or transport of prescribed agricultural chemicals.

(2) A person shall not in any prescribed part of the State store, use, or transport a prescribed agricultural chemical in a manner which does not conform to the regulations.

Penalty: Five hundred dollars.

(3) Notwithstanding subsection (2) where the regulations prescribe a requirement to obtain an approval in relation to the storage, use or transport of any prescribed agricultural chemical in any prescribed part of the State the Chairman of the Protection Board may by notice published in the *Gazette* suspend the requirement in relation to the prescribed part of the State or any portion of that part for such period as is specified and may impose in place thereof such conditions and restrictions (if any) in relation to the storage, use or transport of the agricultural chemical as are specified.

(4) The Chairman of the Protection Board may by subsequent notice published in the *Gazette* vary or cancel any notice published pursuant to subsection (3).

(5) A person who contravenes or fails to comply with any condition or restriction specified pursuant to subsection (3) or subsection (4) commits an offence.

Penalty: Five hundred dollars.

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(6) In this section “specified” means specified in a notice published pursuant to subsection (3) or subsection (4). .

8. The principal Act is amended by adding immediately after section 94 the following section— Section 94A added.

94A. In any proceedings for an offence against this Act a certificate signed or purporting to be signed by or on behalf of the Chief Protection Officer stating that the plant or animal in relation to which the proceedings are brought is a plant or animal of the kind specified in the certificate shall, until the contrary is proved, be sufficient evidence that the plant or animal is of the kind so specified. . Proof of plant or animal.

9. Section 105 of the principal Act is amended by adding after paragraph (i) the following paragraph— Section 105 amended.

(ia) controlling the entry of persons into, and, movement of persons on and from, land in or upon which declared plants are, or are suspected to be, present; .

10. The principal Act is amended by adding immediately after section 106 the following section— Section 106A added.

106A. Without limiting the generality of section 103 the Governor may, for the protection of agriculture and related resources, make regulations with respect to the storage, use, and transport of prescribed agricultural chemicals. .

11. The principal Act is amended by adding immediately after section 113 the following section— Section 113A added.

113A. (1) In this section the Noxious Weeds (Restricted Spraying Areas) Regulations, 1973,

published in the *Gazette* on the 18th August, 1973, together with all amendments to those regulations published from time to time in the *Gazette* before the coming into operation of this Act are referred to as "the spraying regulations".

(2) The Noxious Weeds Act, 1950-1973, as in force immediately before the date of the coming into operation of this Act shall be deemed to have authorized the making of the spraying regulations and those regulations shall be deemed to have taken effect and to have had the force of law accordingly. .
