

[This Act is issued in lieu of Act No. 10229 of 1985 previously circulated]



Victoria

No. 10229

Vermin and Noxious Weeds (Amendment) Act 1985

[Assented to 10 December 1985]

The Parliament of Victoria enacts as follows:

Purposes.

1. The purposes of this Act are to restructure the land protection advisory system and to make minor machinery and consequential changes to the Principal Act.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Principal Act.

3. In this Act the *Vermin and Noxious Weeds Act 1958* is called the Principal Act.

No. 6409.
Reprinted to No.
9578.
Subsequently
amended by Nos.
9902, 9921, 950,
10020 and
10087.

Changes to Interpretation.

4. Section 3 (1) of the Principal Act is amended as follows:

For the interpretation of "Council" substitute—

' "Council" means the Land Protection Council appointed under section 5A.'

Approval for outside employment.

5. In section 3B (2) of the Principal Act after "engaged" insert "without first getting the approval of the Governor in Council".

Repeal of matters relating to inspectors.

6. In section 5 of the Principal Act—

- (a) paragraph (d) of sub-section (1) is repealed; and
- (b) paragraph (a) of sub-section (2) is repealed.

Insertion of new sections in place of sections 5A, 5B and 5C.

7. For sections 5A, 5B and 5C of the Principal Act substitute—

Land Protection Council.

"5A. (1) There is a body to be known as the Land Protection Council.

- (2) The members of the Council are—

- (a) the person appointed to the Board under section 3A (2) (c); and
- (b) the person appointed to the Soil Conservation Authority established under the *Soil Conservation and Land Utilization Act 1958* who has practical farm experience and a knowledge of soil conservation; and
- (c) eight rural landholders appointed by the Governor in Council each of whom is an elected member of a land protection regional advisory committee; and
- (d) up to four persons appointed by the Governor in Council, each of whom is, in the opinion of the Minister, representative of one or more of the following interests—
 - (i) farming;
 - (ii) trade unionism;
 - (iii) conservation;
 - (iv) any other relevant interest.

(3) In the case of the person appointed to the Council under sub-section (2) (d) (i) that person shall be appointed from a panel of four persons submitted to the Minister by the Victorian Farmer's and Grazier's Association.

(4) A member appointed by the Governor in Council holds office for the term specified in that member's instrument of appointment, and is eligible to be re-appointed.

(5) The Governor in Council may specify the terms and conditions of appointment of a member.

(6) The chairperson of the Council is to be nominated by the Council and appointed by the Minister from the members of the Council.

(7) A member appointed by the Governor in Council is entitled to be paid the fees, travelling and other allowances (if any) fixed from time to time by the Governor in Council.

(8) A member is not in respect of the office of member subject to the *Public Service Act* 1974.

(9) A member appointed by the Governor in Council may be removed by the Governor in Council.

(10) If the office of a member becomes vacant the Governor in Council may appoint a person to act in the place of that member for the remainder of that member's term of office.

(11) A person appointed to act in the place of a member has all the powers and must perform all the duties of that member while so acting.

(12) The Council may regulate its own proceedings.

(13) The Council with the approval of the Minister may form special advisory committees to consider matters referred to the committees by the Council and report to the Council.

(14) The persons acting on special advisory committees are entitled to be paid the fees, travelling and other allowances (if any) fixed from time to time by the Governor in Council."

Functions of the Council.

"5B. (1) The functions of the Council are to—

- (a) provide advice and make recommendations to the Minister and the Department on matters affecting land protection and matters referred to the Council by the Minister or the Department; and
- (b) assist in the implementation by the Department of policies, programmes and services which are to ensure that the productive capacity of agricultural and related resources is maintained; and
- (c) monitor the effectiveness, efficiency and economy of land protection policies and other Departmental programmes; and
- (d) assist in the implementation of land protection policies and programmes by encouraging communication between rural landholders, the Minister and the Department; and

- (e) review the land protection advisory system at regular intervals (which are not to be more than five years apart); and
- (f) report to the Minister on those functions of the Department which affect agriculture; and
- (g) submit to the Minister within three months after each year ending 30 June a report on the performance of its functions during that year.

(2) The Minister shall cause the report submitted under sub-section (1)(g) to be laid before each House of Parliament before the end of the fourteenth sitting day of that House after the report has been received by the Minister.”

Land Protection Regional Advisory Committees.

“5c. (1) There is for each land protection region a committee to be known as a land protection regional advisory committee.

(2) The Minister may determine the boundaries of all land protection regions and may vary those boundaries.

(3) The Governor in Council may—

- (a) appoint persons to be members of each land protection regional advisory committee; or
- (b) may remove any person so appointed; or
- (c) may dissolve a committee.

(4) If the office of a member becomes vacant the Governor in Council may appoint a person to act in the place of that member for the remainder of that member's term of office.

(5) A person appointed to act in the place of a member of a committee has all the powers and must perform all the duties of that member while so acting.

(6) The persons appointed to a land protection regional advisory committee are to include—

- (a) rural landholders elected in the manner determined by the Council and approved by the Minister to represent agricultural interests or land protection issues; and
- (b) up to four persons who represent community interest groups, government bodies and public authorities and who have a direct interest in land protection issues and the members of each land protection regional advisory committee holding office under paragraph (a) are to be the majority of members of that committee.

(7) A person appointed to a land protection regional advisory committee is entitled to be paid the travelling and other allowances (if any) fixed from time to time by the Governor in Council.

(8) In all other respects a land protection regional advisory committee may regulate its own procedure.

(9) A committee may with the approval of the Minister form special sub-committees to consider matters referred to the sub-committees by the committee and report to the committee.

(10) The Minister may determine allowances for those persons acting on special sub-committees (having regard to the rate of allowances for the time being payable to members of statutory corporations)."

Functions of a land protection regional advisory committee.

"5CA. The functions of a land protection regional advisory committee are to—

- (a) assist in ensuring that regional services and programmes on land protection will lead to the maintenance of the production capacity of agricultural and related resources; and
- (b) assist in the implementation of land protection policies and programmes by encouraging communication between landholders, the Department and groups having an interest in land protection within the region; and
- (c) provide advice to the Department, Land Protection Council, and on request, the Minister on matters affecting rural landholders; and
- (d) monitor and report on the effectiveness, efficiency and economy of land protection and other related Government policies and Departmental programmes; and
- (e) review the regional advisory system at regular intervals."

Interest on unpaid rates.

8. In section 20 (2) of the Principal Act for "of six per centum per annum" substitute "for the time being fixed by the Minister for the purposes of this section".

Change of interpretation.

9. In section 32 (1) of the Principal Act omit "of Crown Lands and Survey".

Amendment of *Vermin and Noxious Weeds (Re-organization) Act 1983.*

10. Sections 2, 3, 4, 6 and 9 of the *Vermin and Noxious Weeds (Re-organization) Act 1983* are repealed.

NOTES

1. *Minister's second reading speech—*
Legislative Assembly: 31 October 1985
Legislative Council: 26 November 1985
2. The long title for the Bill for this Act was "A Bill to amend the *Vermin and Noxious Weeds Act 1958* and for other purposes."