

1990 - No. 335

**RURAL LANDS PROTECTION ACT 1989 - REGULATION**

(Rural Lands Protection Regulation 1990)

NEW SOUTH WALES



*[Published in Gazette No. 76 of 15 June 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Rural Lands Protection Act 1989, has been pleased to make the Regulation set forth hereunder.

IAN ARMSTRONG  
Minister for Agriculture and Rural Affairs.

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**PART 1 - PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Rural Lands Protection Regulation 1990.

**Commencement**

2. This Regulation commences on 1 July 1990.

**Definitions**

3. (1) In this Regulation:

"**caretaker**" means a caretaker appointed by the controlling authority of a stock watering place;

"**character**" includes a letter, conjoined letters, a numeral and a sign;

"**director**" means a director of a board;

"**local lands office**", in relation to land, means the office for the local land board of the land district concerned;

**"manager"** means the manager or acting manager of a local lands office;

**"record"** includes book, account, deed, writing, document and any other source of information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or in any other manner or by any other means;

**"roll of voters"** means the roll of voters for a district or, when a district is divided into divisions, the roll of voters for the division;

**"secretary"** means the secretary of a board;

**"the Act"** means the Rural Lands Protection Act 1989.

(2) A reference in this Regulation to a Form followed by a number is a reference to the Form of that number contained in Schedule 1.

## **PART 2 - RURAL LANDS PROTECTION DISTRICTS AND BOARDS**

### **Division 1 - Elections**

#### **Polling day**

4. In this Division:

**"candidate"**, in relation to a board, means a candidate for election as a director of the board;

**"election"** means:

- (a) a general election of directors of a board to be held under section 14 (1) of the Act; or
- (b) an election to be held under section 15 of the Act to fill a casual vacancy in the office of a director of a board; or
- (c) an election of directors of a board to be held under section 14 (5) of the Act;

**"polling day"** means the day fixed for the holding of a general election, an election to fill a casual vacancy or an election under section 14 (5) of the Act;

**"returning officer"** means the returning officer for an election.

#### **Returning officer**

5. (1) Subject to this clause, the secretary of a board is to be the returning officer for an election of directors, or a director, of that board.

(2) The Minister must appoint a person to be the returning officer for an election if:

- (a) no person holds office as secretary of that board or the person holding office as secretary is absent or is temporarily suspended from office; or
- (b) the Minister, in accordance with section 14 (5) of the Act, directs that the election be held.

(3) If a returning officer is unable to carry out his or her duties on polling day, the chairperson of the board concerned may appoint a person to act as returning officer in his or her place.

(4) A person so appointed has, while so acting, all the functions of the returning officer.

(5) The returning officer for an election may appoint a person to be poll clerk to assist in the conduct of the election.

**Closing day for nominations and notice of election etc.**

6. As soon as practicable after notifying the polling day and not less than 50 days before that day, the returning officer must:

- (a) fix a day, being a day at least 35 days before the polling day, as the closing day for nominations of candidates; and
- (b) give notice of:
  - (i) the election, specifying whether it is a general election, an election to fill a casual vacancy or an election to be held under section 14 (5) of the Act; and
  - (ii) the polling day; and
  - (iii) the number of directors required to be elected; and
  - (iv) the place at which written nominations of candidates for election are to be lodged; and
  - (v) the closing day for nominations of candidates, by advertisement in at least one newspaper circulating in the district.

**Nomination of candidates**

7. (1) A candidate for a district or division of a district must be nominated in writing by not less than 3 persons each of whom is, on the day of nomination, enrolled to vote for the district or for the division of the district, in respect of which the election is to be held.

(2) A person nominated as a candidate must endorse his or her consent to nomination on the nomination paper provided by the board concerned.

(3) A nomination paper is invalid unless it:

- (a) complies with subclause (2); and
- (b) is delivered to the office of the board at or before 4 p.m. on the closing day for nominations.

(4) An employee of a board is not eligible to be nominated as a director of that board.

#### **Proceedings after close of nominations**

8. (1) If, at the closing day for the nomination of candidates at an election, the number of persons duly nominated is less than or equal to the number of directors to be elected, the returning officer must immediately declare each of the candidates to be elected as a director.

(2) If, at the closing day for the nomination of candidates at an election, the number of persons that have been duly nominated is greater than the number of directors to be elected, the returning officer must:

- (a) immediately fix a day, being a day at least 20 days before the polling day, as the closing day for lodging completed special enrolment applications; and
- (b) as soon as practicable after that closing day, give notice of:
  - (i) the election, specifying whether it is a general election, an election to fill a casual vacancy or an election under section 14 (5) of the Act; and
  - (ii) the date of the polling day; and
  - (iii) the number of directors required to be elected; and
  - (iv) the names of the persons nominated as candidates and, if the district is divided into divisions, the division in respect of which each candidate is nominated; and
  - (v) the place at which special enrolment applications are to be lodged; and
  - (vi) the closing day for lodging completed special enrolment applications,

by advertisement in at least one newspaper circulating in the district in respect of which the election is to be held.

**Death of candidate or withdrawal of consent to nomination**

9. (1) If, on the closing day for lodging special enrolment applications, the number of candidates nominated for election has been reduced, either by death or withdrawal of consent to nomination, to a number less than or equal to the number of directors to be elected, the returning officer must declare each of the remaining candidates to be elected as a director.

(2) If, on the closing day for lodging special enrolment applications, the number of candidates nominated for election has not been reduced by death or withdrawal of consent to nomination to a number less than or equal to the number of directors to be elected, a poll must be taken to determine which of the candidates is or are to be elected.

(3) For the purposes of subclause (1), a candidate for election may withdraw his or her consent to nomination by delivering to the returning officer a notice to that effect, signed by the candidate.

**Roll of voters to be kept at board's principal place of administration**

10. (1) A board must keep its roll of voters at its principal place of administration.

(2) Any person who wishes to do so is, subject to subclause (3), entitled to inspect a board's roll of voters at any time during which the board's principal place of administration is open for business.

(3) Either the secretary of the board concerned or the returning officer may, for a period not exceeding 48 hours, close a board's roll of voters for inspection:

- (a) when the roll is being brought up-to-date; or
- (b) when the roll is being used to prepare and dispatch ballot-papers; or
- (c) when the roll is being used to prepare a copy for use in connection with an election.

**Polling at an election**

11. The poll for an election must be held in the following manner:

- (a) the returning officer must immediately after the closing day for lodging completed special enrolment applications deliver or send by post to every person entitled to vote at the election a

- printed or hand-written, or partly printed and partly hand-written, ballot-paper;
- (b) every ballot-paper must be in accordance with Form 1 and must contain the full names and addresses of all the candidates for election, and be signed or initialled by the returning officer before being issued to the elector;
  - (c) a ballot-paper must be accompanied:
    - (i) by an envelope addressed to the returning officer at the principal place of administration of the board concerned and endorsed with the words "[*name of that board*] Rural Lands Protection Board Ballot-paper, Division [*name of the division*]" and on which appear the words, legibly printed or written in a prominent position, "Voter to sign here ....."; and  
Voter to print name here ....."; and
    - (ii) by another envelope endorsed with the words "[*name of the board concerned*] Rural Lands Protection Board Ballot-paper, Division [*name of the division*]";
  - (d) the elector must place a cross before the name of each candidate for whom the elector wishes to vote, but so that the number of such candidates is not greater or less than the number of directors to be elected at the election, and also sign and print his or her name in the space provided on the envelope referred to in paragraph (c) (i);
  - (e) the elector must then:
    - (i) place the ballot-paper in the envelope referred to in paragraph (c) (ii) and enclose that envelope in the envelope referred to in paragraph (c) (i); and
    - (ii) send, by post or other means, or deliver the ballot-paper so enclosed to the returning officer so that the returning officer will receive the ballot-paper not later than the polling day;
  - (f) when the returning officer receives an envelope containing a ballot-paper, he or she must immediately deposit the envelope unopened in the ballot-box provided for the purpose;
  - (g) if a voter to whom a ballot-paper has been posted or delivered satisfies the returning officer that:
    - (i) the voter has spoilt, lost or destroyed the ballot-paper, or it has been mislaid; and

- (ii) the voter has not already voted at the election, the returning officer may, at any time before the closing of the poll, issue a duplicate ballot-paper to the voter;
- (h) if the returning officer issues a duplicate ballot-paper under paragraph (g), the returning officer must keep a record of the duplicate ballot-paper;
- (i) if a voter to whom a ballot-paper has been delivered or posted is unable to read or write because of blindness and signifies the fact to the returning officer at any time before the closing of the poll, the returning officer must, at the request of the voter and for the voter in the presence of the poll clerk (if any) and of such of the scrutineers as are present or some other responsible person, mark the voter's ballot-paper as the voter directs;
- (j) where paragraph (h) applies, the voter must personally seal down and post or place in the ballot-box the ballot-paper so marked;
- (k) the returning officer must keep a record of all votes recorded in accordance with paragraph (i);
- (l) if a voter to whom a ballot-paper is delivered or posted cannot write or cannot write the characters of the English language, the voter's mark must be attested by a justice of the peace or the returning officer.

**Ballot-box to be provided**

**12.** Whenever a returning officer is presiding over an election, the returning officer:

- (a) must provide a locked ballot-box with an opening capable of receiving the ballot-papers; and
- (b) must retain the key; and
- (c) is responsible for the safe custody of the ballot-box until the close of the election.

**Appointment of scrutineers**

**13.** Each candidate may, in writing, appoint one person to be scrutineer at the place at which the ballot-papers are to be counted.

**Scrutiny of ballot-papers, counting of votes etc.**

**14. (1)** As soon as practicable after the polling day, the returning officer must, in the presence of the poll clerk (if any) and of any scrutineers that are present, open the ballot-box or boxes.

**(2)** The returning officer must not leave the place where the ballot-papers are being examined until after the declaration of the poll unless the ballot-papers, and all other papers and envelopes connected with the election, are securely locked in a secure container which has been sealed up by the returning officer in the presence of witnesses.

**(3)** After the ballot-boxes have been opened, with the assistance of the poll clerk (if any), the returning officer must do the following:

- (a) count the envelopes unopened and record the number counted;
- (b) in respect of each envelope bearing a voter's signature, mark the voter's name on a copy of the roll of voters by drawing a line through that name;
- (c) examine the envelope and, if it has not been signed, or if the signature and name printed on the envelope are not in order:
  - (i) reject the ballot-paper; and
  - (ii) mark the envelope "informal"; and
  - (iii) keep separate all envelopes so marked;
- (d) open the envelopes which have not been marked "informal", take from them the sealed envelope endorsed "*[name of the board concerned]* Rural Lands Protection Board Ballot-paper, Division *[name of the division]*", and without opening those envelopes and ensuring that no other person does so, put them aside for further scrutiny,
- (e) when all the envelopes have been dealt with in this manner, open the sealed envelopes put aside for further scrutiny and:
  - (i) remove the ballot-papers; and
  - (ii) scrutinise the ballot-papers; and
  - (iii) reject such of the ballot-papers as the returning officer finds to be informal;
- (f) count the number of formal votes recorded for each candidate, and make out a written statement, signed by the returning officer and countersigned by any scrutineers who are present and consent to sign, containing the number in words as well as figures, of the votes for each candidate;



- (g) as soon as practicable after the counting of the ballot-papers is completed, openly declare the numbers for each of the candidates, and, at the same time and place, declare the name or names of the candidate or candidates elected and then certify in writing the name or names of the candidate or candidates declared to be elected and the date of the declaration of the results of the election.

(4) The returning officer must forward the certificate in writing required by this clause to the chairperson of the board concerned.

#### **List of voters**

15. At the time of opening a ballot-box, the returning officer must produce for the information of the scrutineers an alphabetical list, signed by the returning officer, of all voters to whom ballot-papers have been delivered or posted.

#### **Informal ballot-papers**

16. At the scrutiny of the ballot-papers, the returning officer must reject as informal every ballot-paper which:

- (a) does not comply with clause 11; or
- (b) is manifestly irregular; or
- (c) has crosses opposite the names of a greater or lesser number of candidates than the number required to be elected; or
- (d) is so inadequately Completed that the intention of the voter cannot be ascertained with certainty.

#### **Decision by lot where votes are equal**

17. (1) If the number of votes for 2 or more candidates is found to be equal, the returning officer must, in the presence of the poll clerk (if any) and of such scrutineers as may be present, decide by lot which of the candidates is to be elected.

(2) If no poll clerk or scrutineer is present the decision referred to in subclause (1) must be made by the returning officer in the presence of some other responsible person.

#### **Result of election to be notified**

18. A returning officer who declares the result of an election in accordance with this Division must cause notice of the result to be

published in at least one newspaper circulating in the district in respect of which the election has been held.

### **Sealing and transmission of ballot-papers**

**19.** As soon as practicable after the declaration of the result of an election, the returning officer must:

- (a) make up in one packet all the ballot-papers, and all envelopes (including those marked "informal"), together with the alphabetical list of voters signed by the returning officer; and
- (b) securely fasten and seal up the packet and permit the scrutineers present to seal the packet (if they so desire); and
- (c) endorse on the packet, when sealed, a description of the contents and the name of the district concerned and the date of closing the poll; and
- (d) sign the endorsement with his or her name; and
- (e) forward the sealed packet to the chairperson of the board concerned, who must keep that packet in a place of safe custody until the conclusion of the next general election of directors for that board.

### **Offences**

**20. (1)** A person who votes more than once at the same election is, unless the person is qualified to vote in more than one division and votes in each of those divisions only once, guilty of an offence.

Maximum penalty: 10 penalty units.

**(2)** A person who makes use of any ballot-paper delivered or posted to another person is guilty of an offence.

Maximum penalty: 10 penalty units.

**(3)** A person who allows his or her ballot-paper to be used by another person is guilty of an offence.

Maximum penalty: 10 penalty units.

**(4)** If a returning officer or any scrutineer in the discharge of his or her duties under this Regulation at or concerning an election finds out the name of the candidate for whom any voter has voted at the election, he or she must not, by word or act or any other means whatever, directly or indirectly divulge or help any other person to

discover that information, except in answer to some question which the returning officer or scrutineer is legally bound to answer.

Maximum penalty: 10 penalty units.

(5) A scrutineer who:

- (a) makes a mark on a list of voters used at an election; or
- (b) makes a note or record, so that he or she can identify the candidate for whom any voter has voted at an election,

is guilty of an offence.

Maximum penalty: 10 penalty units.

#### **Polling day for an election to fill a casual vacancy**

21. (1) Whenever a vacancy occurs in the office of director of a board, the returning officer must, subject to clause 22, fix a day within the period specified in section 15 of the Act on which a poll is to be taken in connection with an election to fill the vacancy.

(2) The returning officer must give notice of the day for holding the poll in connection with the election to fill such a vacancy by publishing an advertisement in at least one newspaper circulating in the district in respect of which the election is to be held.

#### **Excluded closing days for nominations of candidates and enrolment**

22. For the purposes of section 16 (2) (b) of the Act, none of the days in January of each year is a day which may be fixed as the closing day for nominations of candidates or for lodging special enrolment applications.

#### **Election of chairperson**

23. If, at any meeting of a board for the election of the chairperson or deputy chairperson, the number of votes for each of the directors nominated for election is equal, the question as to which of the nominated directors is to be the chairperson or deputy chairperson, as the case may be, is to be decided by lot.

#### **Administrator to hold general election of directors when directed to do so**

24. For the purposes of section 43 (3) of the Act, the prescribed period is 1 month.

## **Division 2 - Proceedings of a board**

### **Common seal**

**25. (1)** The seal of a board must include the inscription "The Seal of the [*name of the board concerned*] Rural Lands Protection Board".

**(2)** A person is authorised to affix a board's seal to any document only in accordance with a resolution of the board.

### **Proceedings of a board**

**26. (1)** The person presiding at a meeting of a board:

- (a) must ensure that the minutes of the previous meeting of the board (if any) are confirmed by the board; and
- (b) must sign those minutes.

**(2)** If a person presiding at a meeting of a board fails without reasonable excuse to comply with subclause (1), the person is guilty of an offence.

Maximum penalty: 2 penalty units.

**(3)** All questions and other matters brought before any meeting of a board are to be determined by the vote of the majority of the directors present at the meeting.

### **Power to appoint employees**

**27.** For the purpose of section 24 (1) of the Act, a board may employ persons in any of the following capacities:

- (a) labourers;
- (b) clerks;
- (c) computer operators;
- (d) stenographers;
- (e) typists;
- (f) office assistants;
- (g) trappers;
- (h) cleaners;
- (i) motor mechanics.

**Division 3 - Accounts etc.**

**Accounts of receipts and expenditure etc.**

**28. (1)** Every board must ensure that the account of the board's income and expenditure to be prepared in accordance with section 30 of the Act, in relation to:

- (a) the rural lands protection fund (section 31 of the Act); or
- (b) the wild dog fund (section 32 of the Act); or
- (c) the reserves improvement fund (section 33 of the Act); or
- (d) the stock watering places fund (section 34 of the Act); or
- (e) the noxious insects fund (section 35 of the Act),

of the board or any fund established in accordance with section 36 of the Act, is in a form approved by the Minister.

**(2)** In addition to the income and expenditure account, every board must cause a reconciliation statement to be prepared, which must be in a form approved by the Minister.

**(3)** The secretary of a board must, at the close of each month, prepare financial statements, in a form approved by the Minister, showing the position of:

- (a) the board's rural lands protection fund and the board's reserves improvement fund; and
- (b) where appropriate - the board's stock watering places fund and any other fund that the board is required by the Act to maintain.

**Amounts payable out of a board's rural lands protection fund**

**29.** For the purpose of section 31 (3) (e) (i) of the Act, the prescribed amount is the higher of the following:

- (a) \$1,000;
- (b) an amount equal to 1 per cent of the amount payable to the board as general rates for the financial year concerned.

**Appointment etc. of auditors**

**30. (1)** A person appointed as an auditor of a board holds office as such until the conclusion of the next general election of directors for that board, unless the person has previously ceased to hold that office as provided by subclause (3).

(2) The appointment of a person as an auditor of a board may be renewed from time to time.

(3) A person appointed as an auditor of a board ceases to hold office on death or on removal or resignation from office in accordance with this clause or on ceasing to be qualified to be an auditor of a board.

(4) If a vacancy occurs in the office of auditor of a board and there is no surviving or continuing auditor of the board, the board must, within 1 month after the vacancy occurred, appoint at least one qualified person to fill the vacancy.

(5) A board may, by resolution, remove an auditor of the board from office only on the ground that the auditor has failed to comply with a requirement or duty imposed on auditors by section 39 of the Act or clause 31 of this Regulation.

(6) A resolution under subclause (5) does not take effect until approved by the Minister.

(7) An auditor of a board may, by notice in writing given to the board, resign as auditor of the board.

#### **Duties of auditors**

**31. (1)** In addition to the duties specified in section 39 of the Act, an auditor of a board must, in auditing the accounts of the board:

- (a) verify that the approval of the Minister has been given, in all cases where the Act requires that such an approval be given, to any expenditure or action concerning the accounts of the board; and
- (b) verify that all absences from duty of the board's employees are properly recorded and that the appropriate leave of absence has been granted in accordance with the terms of the law or award under which the entitlement to leave is prescribed; and
- (c) report to the board on the matters specified in the form provided by the Minister and include in the report any matters other than those so specified which in the judgment of the auditor call for special mention.

(2) The report referred to in subclause (1) (c) must be in triplicate and each copy must have annexed to it, duly certified:

- (a) a copy of the statement of accounts prepared in accordance with section 30 of the Act; and
- (b) a copy of the reconciliation statement prepared in accordance with clause 28 (2) of this Regulation.

#### **Interest rate on outstanding payments**

**32. (1)** For the purposes of section 49 (1) of the Act:

- (a) the prescribed rate of interest payable is 21 per cent per year; and
- (b) the prescribed period is 60 days from the date on which the outstanding amount first became payable.

**(2)** Interest is chargeable under section 49 (1) of the Act only in respect of whole months occurring during the period beginning with the day after the expiry of the 60 days referred to in subclause (1) and ending with the date (if any) on which the outstanding amount is paid.

#### **Division 4 - Matters pertaining to prescribed officers etc.**

##### **Definition**

**33.** In this Division, "**prescribed officer**" means a prescribed officer within the meaning of section 88, 90 or 92 of the Act.

##### **Duties of prescribed officers**

**34. (1)** In addition to those functions imposed or conferred on a prescribed officer by the Act, a prescribed officer appointed by a board must:

- (a) receive any properly completed application made to the officer for a transported stock statement or walking stock permit; and
- (b) if appropriate:
  - (i) calculate the distance involved in the journey specified in such an application; and
  - (ii) calculate and collect the fees payable for transported stock statements and walking stock permits issued by the officer; and
- (c) prepare walking stock permits, sign the permits as a prescribed officer and issue the permits to the applicants; and
- (d) forward to the board concerned, in accordance with the directions of the board, copies of all completed transported

stock statements and walking stock permits issued by the prescribed officer; and

- (e) pay to the secretary of the board concerned in accordance with the directions of the board all fees received by the officer for transported stock statements and walking stock permits; and
- (f) transmit to the board concerned all used books of transported stock statements and walking stock permits issued by the officer.

(2) A prescribed officer must:

- (a) if requested to do so, produce for inspection by any person authorised by the board for the purpose, or by any member of the Police Force, any document issued to or used by the officer in connection with the officer's functions that has not yet been forwarded to the board that employs the officer; and
- (b) promptly answer any written or oral question directed to the officer by the board, a person authorised by a board for that purpose or a member of the Police Force, in connection with the officer's functions as a prescribed officer.

(3) Any prescribed officer who, without reasonable excuse, fails to comply with subclause (2) is guilty of an offence.

Maximum penalty: 2 penalty units.

#### **Obligation of prescribed officer on ceasing to be a prescribed officer**

**35. (1)** A person who is no longer a prescribed officer:

- (a) must not perform any of the functions of a prescribed officer; and
- (b) must forward to the board concerned in accordance with the directions of that board:
  - (i) all money received or collected by the person that has not been forwarded to a board and, if so specified in those directions, a written summary setting out the nature of the money received or collected; and
  - (ii) all documents issued by the board that are still in the person's possession.

(2) A person who contravenes this clause is guilty of an offence.

Maximum penalty: 2 penalty units.



**Commissions payable to permit officers**

**36. (1)** The commission that a board is authorised to pay to a permit officer is 5 per cent of the amount that the permit officer has collected in respect of each walking stock permit issued by the officer, but no more than \$2 is payable to the officer in respect of any one permit.

**(2)** Commission payable under this clause is not payable to an employee of a board.

**No remuneration to be paid for transported stock statement**

**37.** No remuneration is payable to a permit officer for the issue of a transported stock statement.

**PART 3 - RATES**

**Other stock types**

**38.** For the purposes of the definition of “stock” in section 3 (1) of the Act, deer are prescribed stock in relation to the operation of the provisions of Part 4 of the Act.

**Making and levying of rates**

**39. (1)** For the purposes of section 53 (2) of the Act, the prescribed date is 31 March in each year.

**(2)** For the purposes of section 53 (5) of the Act, the prescribed period is 3 months.

**(3)** Rate notices under section 53 of the Act may be served in any of the ways prescribed by section 215 of the Act.

**Minimum stock unit equivalents**

**40.** For the purposes of section 53 (1) of the Act, the following numbers of stock unit equivalents are prescribed for the districts specified below:

District	Number of stock unit equivalents
Moree .....	150
Warialda .....	100

**Returns of land and stock**

**41. (1)** For the purposes of section 57 (1) (c) of the Act, tail tags and pig brands are a prescribed means of identifying stock.

**(2)** For the purposes of section 57 (2) of the Act:

- (a) the prescribed date is 31 August in each year; and
- (b) the matters prescribed in relation to a person who occupies land within the district concerned are:
  - (i) the full name of the occupier; and
  - (ii) the full address and telephone number (if any) of the occupier; and
  - (iii) the address of the land concerned, if different from the address referred to in subparagraph (ii); and
  - (iv) the relevant rate assessment number; and
  - (v) a description of the land concerned, including:
    - the portion number or lot and deposited plan number; and
    - the names of the parish and county where that land is situated; and
    - the area of that land; and
    - the zoning classification of that land for the purposes of the Environmental Planning and Assessment Act 1979; and
  - (vi) if there are several occupiers of the land - the name of the occupier nominated for entry in the board's roll of voters; and
  - (vii) the number of each category of stock (for example, horses or cattle) kept on the land or agisted by the occupier elsewhere; and
  - (viii) whether or not there is a feedlot or piggery on the land; and
  - (ix) brand and earmark designs of which the occupier of the land concerned is the registered proprietor; and
  - (x) tail tag numbers and pig brand numbers allocated to the occupier of the land concerned and recorded by the district registrar; and

- (c) the matters prescribed in relation to a person who does not occupy land within the district concerned but who owns stock kept within that district are:
  - (i) the number of each category of stock (for example, horses or cattle) kept by the person within that district; and
  - (ii) brand and earmark designs of which the person is the registered proprietor and which are recorded in the register kept by the district registrar; and
  - (iii) tail tag numbers and pig brand numbers allocated to the person and recorded by the district registrar; and
- (d) the matters prescribed in relation to a person who is neither the occupier of land within the district concerned nor the owner of stock kept within the district but who is the proprietor of a brand or earmark design, or other prescribed means of identifying stock, registered by the district registrar are:
  - (i) brand and earmark designs of which the person is the registered proprietor and which are recorded in the register kept by the district registrar; and
  - (ii) tail tag numbers and pig brand numbers allocated to the person and recorded by the district registrar.

**Notice to owner for information in respect of land and stock**

**42. (1)** For the purposes of section 58 of the Act:

- (a) the manner in which a board may require information concerning land or stock to be provided to it is by the service on the owner or occupier of the land or owner of the stock, as the case requires, of a written notice containing the particulars specified in subclause (2); and
- (b) the period within which a person served with such a notice must provide the information required by the board is 14 days following the service of the notice; and
- (c) the manner in which a person must provide the information is by delivering or causing to be delivered to the board's principal place of administration a document containing the information and signed by the owner or occupier concerned.

**(2)** A notice purporting to be issued by a board in accordance with section 58 of the Act is not valid unless it:

- (a) states that it is issued under that section; and
- (b) is addressed to the owner or occupier of the land, or the owner of stock, from whom the board requires the information and specifies the address of the person's last known place of residence or business; and
- (c) gives precise details as to what information is required; and
- (d) states the reason why the information is required; and
- (e) states the period and manner within which the required information must be provided; and
- (f) quotes the provisions of section 58 (1) of the Act; and
- (g) is signed by the chairperson or secretary of the board and shows the date on which the signature was written.

**Appeal to local land board against determination of carrying capacity**

**43. (1)** For the purposes of section 61 (5) of the Act:

- (a) the manner for making an appeal under section 61 (3) or (4) of the Act is by lodging a notice of appeal in accordance with a form approved by the Minister:
  - (i) except as provided by subparagraph (ii) - at the local lands office; or
  - (ii) if the land, or the greater part of the land, is within the Western Division - at the office of the Western Lands Commissioner in Sydney; and
- (b) the prescribed fee is \$50.

**(2)** A copy of the notice of appeal referred to in subclause (1) must be served on the board for the district within which the land concerned is located not later than the day on which the notice of appeal is lodged.

**(3)** The chairperson of the local land board to which an appeal is made under section 61 (3) or (4) of the Act must give to both the appellant and the board for the district within which the land concerned is located not less than 7 days' notice of the time fixed by the local land board for the hearing of the appeal.

**Notification of changes in occupancy of ratable land**

**44.** The notice to be given under section 65 (1) of the Act must be in accordance with Form 2 or with a form that has a similar effect and

be sent by post or given to the secretary of the board for the district within which the land concerned is located.

#### **Recording of notification of changes in occupancy**

**45.** On receiving a notice to the effect that the occupancy of particular ratable land has changed, the secretary of the board concerned must ensure that the particulars contained in the notice are entered in the rate record against the entry relating to the holding to which the notice refers.

#### **Property search inquiries**

**46. (1)** For the purposes of section 66 of the Act, the fee for an application for a certificate under subsection (3) of that section is \$20.

**(2)** If the applicant indicates on the application form that a search is also to be made under the Stock Diseases Act 1923 or the Stock (Chemical Residues) Act 1975, and pays a fee of \$35 instead of the amount prescribed in subclause (1), a board must also provide details of any current orders issued in respect of the land under those Acts.

#### **Appeal against validity of rate**

**47.** For the purposes of section 67 (2) of the Act:

- (a) the prescribed court is the District Court; and
- (b) the prescribed manner of objecting to the validity of a rate is by making an application for the determination of the objection in accordance with the rules of the District Court; and
- (c) the prescribed fee is the fee for the time being prescribed by the District Court (Fees) Regulations for the filing of a notice of appeal.

#### **Increase of overdue rate**

**48.** For the purposes of section 68 (1) of the Act, the prescribed rate per cent per year in respect of overdue rates is 21 per cent per year.

#### **Rate record**

**49. (1)** For the purposes of section 74 (1) of the Act:

- (a) the prescribed manner for keeping a rate record is by keeping it:

- (i) in a book containing fixed or loose leaves; or
  - (ii) as a series of cards; or
  - (iii) as computerised records; and
- (b) the particulars to be kept in a rate record are:
  - (i) particulars of each parcel of land that is ratable and of the occupier or owner of the land; and
  - (ii) particulars of the amounts of general and animal health rates levied in respect of each such parcel and of the dates on which the relevant rate notices were served; and
  - (iii) particulars of amounts of rates paid (including dates of payment), and of the amount of rates remaining outstanding, in respect of each such parcel.

(2) The entries in a board's rate record must be kept either in the series for the board's district as a whole or, where the district is divided into divisions, in a separate series for each of those divisions.

#### **Minimum area of ratable land**

**50.** For the purposes of the definition of "ratable land" in section 3 (1) of the Act, the areas set out in Schedule 2 are prescribed in relation to the districts set out in that Schedule.

#### **Collection etc. of meat industry levies by boards**

**51.** A board must, on or before 14 June and 14 September in each year, forward to the Meat Industry Authority the amount of any meat industry levies held by the board, less the amount of commission that the Authority has allowed to the board.

#### **Purposes for which information provided under section 57 or 58 of the Act may be used**

**52.** In addition to the purposes specified in section 59 of the Act, the information supplied to a board under section 57 or 58 of the Act may be used for the purposes of:

- (a) ascertaining whether a person supplying the information wishes to continue the registration of any brand or earmark design, or other means of registration, of which the person is the registered proprietor; and

- (b) facilitating the verification or amendment of the board's roll of voters.

#### **PART 4 - TRAVELLING STOCK RESERVES AND TRAWLLING STOCK**

##### **Division 1 - General management of travelling stock reserves**

##### **Prescribed activities for the purposes of section 86 of the Act**

**53. (1)** For the purposes of section 86 of the Act, the following recreational activities are prescribed:

- (a) walking;
- (b) horseriding;
- (c) picnicking;
- (d) fishing;
- (e) swimming;
- (f) pedal cycling.

**(2)** However, an activity specified in subclause (1) is not a prescribed activity in relation to:

- (a) a travelling stock reserve that is under the control of the Western Lands Commissioner; or
- (b) any travelling stock reserve or part of such a reserve that is used for an activity authorised under section 86 (3) of the Act if the conditions or restrictions of the authority prohibit the use of the reserve or part for an activity first-mentioned in this subclause while the authority remains in force; or
- (c) any stock watering place in the Western Division.

##### **Offences on reserves**

**54. (1)** A person must not, except in accordance with a permit, licence or other authority issued under Part 6 of the Act by or on behalf of the board which has control of a travelling stock reserve or with the consent in writing of that board:

- (a) be on the reserve between sunset and sunrise; or
- (b) light a fire on the reserve except at a site designated for the purpose by the board; or
- (c) except as provided by the Act, remove or cause to be removed from the reserve any water, soil, timber or other material; or

- (d) without reasonable excuse, interfere with any fence, gate, structure, work, machinery, appliance, article or other thing on the reserve; or
- (e) divert or in any way interfere with the natural flow of water on the reserve; or
- (f) swim or bathe in any water tank or dam on the reserve; or
- (g) cause or permit any large stock to be yarded in any sheep yard located on the reserve.

(2) A person must not:

- (a) cause any nuisance or annoyance to any member of the public who is lawfully on a travelling stock reserve; or
- (b) without reasonable excuse, interfere with any stock or any beehives that are lawfully on such a reserve.

(3) A person who is on a travelling stock reserve in contravention of section 85 of the Act, or who is contravening this clause, must not refuse to comply with any lawful direction to leave the reserve given by a director of a board, or by an employee of a board authorised by the board to give directions for the purpose of this subclause.

(4) A person must not refuse to comply with a lawful direction given by a director or employee referred to in subclause (3) to refrain from causing a nuisance or annoyance to any member of the public who is lawfully on a travelling stock reserve or to any stock or beehives that are lawfully on such a reserve.

(5) A person who contravenes a provision of this clause is guilty of an offence.

Maximum penalty: 5 penalty units.

(6) If a person refuses to comply with a direction referred to in subclause (3) or (4), the director or employee concerned may use force (but no more than necessary in the circumstances) to remove the person from the reserve.

#### **Authorised use of reserves**

**55. (1)** Any person who, or any group of persons that, wishes to obtain an authority under section 86 (3) of the Act to use a travelling stock reserve or part of such a reserve for an activity (other than an activity referred to in section 86 (1) of the Act or prescribed by the regulations for the purposes of section 86 (1) of the Act) may make an



application in writing to the board for the district in which the reserve is located.

(2) On receiving an application made in accordance with subclause (1), the board may, if it has specified and approved the use of the travelling stock reserve or the part of that reserve to which the application relates for the activity specified in the application, issue an authority as provided by section 86 (3) of the Act.

(3) When issuing an authority under section 86 (3) of the Act, a board may impose such conditions and restrictions as it considers appropriate, including:

- (a) conditions or restrictions as to the time or times at which the reserve or part of the reserve concerned may be used for the activity specified in the authority; and
- (b) conditions as to any insurance required to be effected, or bond required to be provided, with respect to the use of the reserve or part of the reserve for that activity.

(4) A board may impose a fee, not exceeding \$25, for the issue of such an authority.

(5) If such an authority is subject to a condition or restriction imposed under subclause (3), the board that issued the authority, or a director of that board or an employee of that board authorised to exercise the power conferred by this subclause, may revoke the authority on being satisfied that the condition or restriction is being or has been contravened.

(6) A person (including a member of a group of persons) claiming to hold an authority issued under section 86 (3) of the Act must, on being requested to do so by a director of the board that issued the authority or by an employee of that board who is authorised to make such a request, produce the authority for inspection by the director or employee.

(7) A person who, without reasonable excuse, fails to comply with such a request is guilty of an offence.

Maximum penalty: 5 penalty units.

#### **Closure of reserves to certain uses**

**56. (1)** For the purposes of section 87 of the Act, the prescribed manner in which a travelling stock reserve or part of such a reserve may be closed for activities is as follows:

- (a) the board that controls the reserve must cause to be erected on the reserve at each place on the reserve or part of the reserve at which access and egress are provided a sign, which complies with subclause (2), notifying persons that the reserve or part of the reserve is closed for specified activities;
- (b) the reserve or part is then to be treated as being closed for those activities;
- (c) the board may, but is not obliged to, publish in a local newspaper published and circulating within the district in which the reserve is located a notice to the effect that the reserve or part is closed to such activities as are specified in the notice.

(2) A sign referred to in subclause (1) (a) must:

- (a) be constructed of metal or other rigid material; and
- (b) contain the particulars shown in the diagram set out in Part 1 of Schedule 3; and
- (c) be in the form of a rectangle, 420 millimetres high and 300 millimetres wide; and
- (d) accord with subclause (3).

(3) The letters and figures on the sign must be in red, superimposed on a beige background.

(4) A reserve or part of a reserve closed under section 87 of the Act does not cease to be closed merely because the sign or signs indicating the closure of the reserve or part are removed from their position as a result of a storm or inclement weather or the act of a person not acting under the authority of the board that controls the reserve.

(5) Any person who, without lawful authority, removes or interferes with a sign erected under this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

#### **Notice of application of pesticides to reserves**

**57.** For the purposes of section 103 of the Act, the prescribed manner for giving the notice concerning the application of a pesticide to a travelling stock reserve is:

- (a) by publishing the notice in a newspaper or newspapers circulating in the district within which the reserve is located at least twice with an interval of not less than 7 days between publication; and

- (b) by placing conspicuous weather-proof signs on the reserve warning that pesticides have been used.

**Access to tanks on reserve**

**58.** A person having stock in his or her charge must ensure that the stock do not gain access to the main or conserving water tank on a travelling stock reserve (including a water tank at a stock watering place) unless the written consent of the hard that has control of the reserve has first been obtained permitting the stock to have access to that tank.

Maximum penalty: 2 penalty units.

**Interference with machinery etc. on reserve and camping**

**59. (1)** A person must not interfere with machinery or appliances that are located on a travelling stock reserve that is under a board's control, except when authorised or directed by the board.

**(2)** A person in charge of stock must not camp or remain on a travelling stock reserve under a board's control for more than 24 hours without the consent of the board or unless compelled to do so because of adverse weather or an unforeseeable emergency.

**(3)** A person who contravenes a provision of this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

**Use of water provided on a reserve**

**60. (1)** If, on a travelling stock reserve that is under the control of a board, water is provided by means of a trough and stock are watering at that trough, the person in charge of the stock must:

- (a) ensure that no water is wasted; and
- (b) supervise the flow of water into the trough while the stock are watering; and
- (c) turn off the stopcock as soon as the watering is completed; and
- (d) ensure that the trough and associated equipment are left in the condition in which they were found when that person arrived at the trough.

**(2)** A person referred to in subclause (1) who fails to comply with a requirement of that subclause is guilty of an offence.

Maximum penalty: 10 penalty units.

**Deduction from board's reserves improvement fund or stock watering places fund for administrative expenses**

**61.** For the purposes of sections 33 (4) and 34 (4) of the Act, the specified amount is, in relation to any particular financial year of a board, an amount equal to one-third of all money carried to the board's reserves improvement fund or stock watering places fund during the immediately preceding financial year of the board.

**Division 2 - Stock transported by vehicle**

**Person in charge of stock**

**62.** For the purposes of this Division, the driver of a vehicle conveying stock on a public road or travelling stock reserve is to be taken to be the person in charge of the stock.

**Exemptions: transported stock statements**

**63. (1)** For the purpose of section. 88 (10) of the Act, a transported stock statement or stock licence is not required, and no fee is payable, in the following circumstances:

- (a) when horses are be transported to or from any agricultural show, exhibition, gymkhana, pony club meeting or similar function;
- (b) when racehorses or harness racing horses are being transported from one place to another;
- (c) when stock are moved into New South Wales from another State and travel for up to 30 kilometres before immediately proceeding back into the other State;
- (d) when stock are moved across or along a road or reserve from one part of a holding to another part that would be contiguous with the first-mentioned part but for being separated by the road or reserve;
- (e) when stock are moved to or from a place at which they are to be or have been treated by a veterinary surgeon;
- (f) when horses are moved to or from any place for use as working horses.

(2) For the purposes of subclause (1), a reference to another State is to be read as including a reference to the Australian Capital Territory.

#### **Issue of transported stock statements**

**64. (1)** For the purposes of section 89 of the Act, a transported stock statement may be completed and signed only by one of the following persons:

- (a) the owner of the stock concerned or the owner's agent;
- (b) the owner of a registered livestock carrying vehicle who normally resides, or whose place of business is, in the district of the board which has issued the statement;
- (c) an employee of the owner of those stock.

(2) A transported stock statement is not valid unless:

- (a) it is in accordance with Form 3; and
- (b) the stock moved are the stock described in the statement.

(3) A board or a prescribed officer of a board may issue transported stock statement forms either in a book or individually to any person who wishes to convey stock by vehicle on a public road or travelling stock reserve, or to consign stock for conveyance by any form of rail, water or air transport.

(4) A board must refund the cost of any unused form that is returned to the board by a person to whom the form was issued under subclause (3).

#### **Distribution and retention of forms**

**65. (1)** The following procedure is applicable to the issue of a transported stock statement:

- (a) if the statement is completed by a person other than the carrier, the original statement must be given to the carrier and the copy retained in the book;
- (b) if the carrier completes the statement, the carrier must retain the original and the duplicate until the stock movement is completed.

(2) The person to whom a book of transported stock statements has been issued in accordance with clause 64 (3) must return the book containing the copies of issued transported stock statements to the

issuing board, or to a prescribed officer of that board, within 2 months after the last form contained in the book has been used.

Maximum penalty: 2 penalty units.

(3) If a person to whom a book of transported stock statements has been issued in accordance with clause 64 (3) has failed to return the book to the board that issued the book or to a prescribed officer of that board after all forms in the book have been used, that board, or a prescribed officer of that board, may decline to issue a fresh book of transported stock statements to the person.

(4) A prescribed officer who has possession of a book from which all the transported stock statements have been issued must return the book containing the copies of statements issued from the book to the board within 60 days after the last form contained in the book has been issued.

(5) The board must retain in its custody for not less than 3 years any book returned to it under this clause.

#### **Fees for transported stock statements**

**66. (1)** The maximum fee that may be determined under section 89 (2) of the Act for a transported stock statement is \$1 for each statement form.

(2) The fee determined by a board under section 89 (2) of the Act is payable on the issue of a book of transported stock statement forms or of an individual transported stock statement form.

(3) The fee payable for a transported stock statement is not subject to adjustment because of any subsequent variation in the prescription of the fee.

#### **Off-loading of stock**

**67.** The person in charge of stock conveyed by vehicle over a road or travelling stock reserve must not off-load the stock from a vehicle between the point of collection, and the point of delivery referred to in the relevant transported stock statement except:

- (a) in accordance with conditions imposed by a ranger appointed by the board for the district within which it is desired to off-load the stock; or

- (b) in the case of an unforeseeable emergency, or
- (c) in a case where off-loading is required by the Model Code of Practice for the Welfare of Animals relating to the movement of livestock by road transport.

**Person in charge to give name etc.**

**68. (1)** If a prescribed officer requests the person in charge of stock that are on a public road or travelling stock reserve to state the person's name or address, the person must comply with the request.

**(2)** If a person:

- (a) fails to comply with a request under subclause (1); or
- (b) in response to the request, states a name or address that to the person's knowledge is false or misleading,

the person is guilty of an offence.

Maximum penalty: 10 penalty units.

**Division 3 - Walking stock and grazing stock**

**Prescribed form for walking stock permits**

**69.** For the purposes of section 92 (5) of the Act, Form 4 is the prescribed form.

**Exemptions: walking stock permits**

**70.** For the purpose of section 90 (11) of the Act, a walking stock permit or stock licence is not required and no fee is payable, in the following circumstances:

- (a) when the movement of any horses on the hoof is accompanied by riders;
- (b) when stock are being used to pull a sulky, wagon or other vehicle;
- (c) when stock are being moved across or along a public road or travelling stock reserve from one part of a holding to another part that would be contiguous with the first-mentioned part but for being separated by the road or reserve;
- (d) when stock are moved to or from a place at which they are to be or have been treated by a veterinary surgeon.

**Fees for walking stock permits**

**71. (1)** For the purpose of section 92 (3) (a) of the Act, a board may charge fees for the issue of walking stock permits not exceeding the following amounts:

- (a) 25 cents for each 100 sheep or goats, or part of that number, for each 10 kilometres or part of that distance to be travelled;
- (b) 25 cents for each 10 head of large stock, or part of that number, for each 10 kilometres or part of that distance to be travelled.

**(2)** A fee is not payable under section 92 (3) of the Act in the following circumstances:

- (a) in respect of unsold stock which are returning from a sale to the pasture from which they were moved for that purpose, but only if the length of the journey in that case does not exceed 16 kilometres for large stock or 10 kilometres for small stock or stock consisting partly of small stock and partly of large stock;
- (b) in respect of unweaned calves, foals, lambs, fawns or kids under 6 months old when travelling with their mothers;
- (c) in respect of stock that are travelling through New South Wales from another State to a destination in that other State when the total distance travelled or to be travelled in New South Wales does not exceed 5 kilometres.

**(3)** For the purpose of subclause (2), a reference to another State is to be read as including a reference to the Australian Capital Territory.

**(4)** For the purpose of section 92 of the Act, a ranger or permit officer who receives a fee for a walking stock permit must:

- (a) issue a walking stock permit; and
- (b) within 1 month of the issue of the permit, forward the fee and the duplicate of the permit to the secretary of the board on whose behalf the permit is issued.

**(5)** For the purpose of section 92 (6) of the Act, an application for a walking stock permit may be refused on the ground that stock are, in the opinion of the board concerned or a prescribed officer of that board, suffering from a contagious disease.



**Walking stock permit books to be returned to board**

**72. (1)** A prescribed officer who has possession of a book from which all the walking stock permits have been issued must return the book containing the copies of permits issued from the book to the board within 60 days after the last form contained in the book has been issued.

**(2)** The board must retain in its custody for not less than 3 years all used books returned to it in accordance with subclause (1).

**Ranger to receive advance notice**

**73. (1)** If stock are to be travelling for more than 2 consecutive days, the person in charge of the stock must give at least 24 hours' notice of the proposed travel to a ranger of the board in whose district the journey is to commence.

Maximum penalty: 5 penalty units.

**(2)** If stock are being or are to be moved under the authority of a walking stock permit over a public road or travelling stock reserve, the person in charge of the stock must, within 24 hours before the stock enter a district other than the one in which the journey commenced or is to commence, notify orally or in writing a ranger employed by, or the secretary of the board for the district that the stock are about to enter.

**(3)** Any person in charge of stock who fails to comply with a provision of this clause is guilty of an offence.

Maximum penalty: 5 penalty units.

**Notice of walking stock to occupiers of holdings**

**74.** A person must not walk stock over any part of a public road or travelling stock reserve and past a holding which:

- (a) intersects or adjoins the road or reserve; and
  - (b) is not separated from the road or reserve by a fence,
- without ensuring that the stock do not trespass onto, or become mixed with any stock on, the holding.

Maximum penalty: 5 penalty units.

**Specified route to be taken**

**75. (1)** Travelling stock moved under the authority of a walking stock permit may be moved only by the route specified on the permit.

(2) Any person who moves, or causes to be moved, stock by a route other than that specified in the walking stock permit authorising the movement of those stock is guilty of an offence.

Maximum penalty: 10 penalty units.

### **Variation in journey**

**76. (1)** If any stock are moved on a journey in respect of which a walking stock permit is required and:

- (a) it is desired to move the stock to another destination, irrespective of whether the destination shown on the permit has been reached; or
- (b) it is desired to move the stock to another destination in consequence of the stock or some of the stock having been sold during the journey; or
- (c) for any adequate reason the route of travel referred to in the permit cannot be followed,

the person in charge of the stock may, with the approval of a ranger or other person authorised by the board for the district in which the stock are located at the relevant time, change the route or destination, but only after:

- (d) obtaining a new walking stock permit; and
- (e) paying the appropriate fee for the new permit.

(2) The new permit comes into effect from the point at which the change of route to the destination specified in the new permit begins.

(3) If a new walking stock permit is issued in accordance with this clause, the owner of the stock is entitled to a refund of the travelling stock fees for any distance not travelled under the previous permit.

(4) If only some of the stock referred to on the previous permit are moved to a fresh destination or over a different route, the refund payable under this clause is to be reduced proportionately.

(5) If the route specified in a walking stock permit is one which passes through land:

- (a) quarantined under the provisions of the Stock Diseases Act 1923; or
- (b) on which stock infected within the meaning of that Act have been quarantined,

a ranger, or any person authorised by the board in whose district the land is situated, may order the route to be changed and in that case no additional fee is payable in respect of the changed route.

(6) A walking stock permit ceases to be in force if the journey for which it is issued is broken by the holding of stock for more than 7 successive days elsewhere than on a public road or travelling stock reserve.

(7) However, a ranger employed by the board for the district in which the stock are held, or some other person authorised by that board, may approve the stock proceeding under the authority of the same walking stock permit from the place where they are held by endorsing the permit accordingly.

(8) A board may:

- (a) under any circumstances which it decides are special; and
- (b) if so directed by the Minister,

remit or waive any fee that would, but for this clause, be payable to the board under section 92 of the Act in respect of the movement of walking stock within its district.

### **Permitted hours of walking stock or pigs**

77. (1) A person must not move stock or pigs by walking them over a public road or a travelling stock reserve during the hours between sunset and sunrise on the following day.

(2) However, a walking stock permit or stock licence issued in respect of dairy cows authorises cows and their calves to be moved over a road during those hours but only if:

- (a) they are on the road or reserve for the shortest practicable distance; and
- (b) appropriate stock warning signs are displayed in accordance with clause 83.

### **Rate of travel**

78. (1) When stock are walking on any journey lasting more than 24 hours, the person in charge of the stock must ensure that, during each successive period of daylight hours, the stock travel towards their destination:

- (a) a distance of not less than 16 kilometres if the stock consist wholly of large stock; or
- (b) a distance of not less than 10 kilometres if the stock consist wholly of small stock or partly of large stock and partly of small stock.

(2) A person in charge of walking stock must ensure that the stock have (except with the authority of a ranger or other person authorised to give that authority by the board concerned):

- (a) travelled from the time when they started their journey until the time when they are first inspected by a prescribed officer; or
- (b) travelled from a time on which they are previously inspected by a prescribed officer during the course of the journey until the time at which they are again inspected by that or another prescribed officer during that journey,

towards their destination a distance averaging:

- (c) 16 kilometres per day if the stock consist wholly of large stock; and
- (d) 10 kilometres per day if the stock consist wholly of small stock or partly of large stock and partly of small stock.

(3) A person in charge of stock who fails to comply with subclause (1) or (2) is guilty of an offence, unless:

- (a) the stock were prevented from travelling at the prescribed rate due to unforeseen bad weather, fire, flood or some other unforeseeable circumstance; or
- (b) approval for slow travel has been granted in respect of the stock under subclause (4); or
- (c) clause 81 (7) applies to the movement of the stock.

Maximum penalty: 10 penalty units.

(4) A ranger or person authorised by the board may grant approval to walk stock at rates of travel slower than those referred to in subclauses (1) and (2) if the stock are unfit to travel at the prescribed rate of travel or for any other reason that the ranger or authorised person considers to be valid.

Maximum penalty: 10 penalty units.

(5) If a ranger or other person authorised by a board has given approval for slow travel in respect of stock to which a walking stock permit relates, the ranger or other person must write details of the

approval on the permit, together with any conditions subject to which slow travel is permitted.

(6) Whenever:

- (a) stock that are moved under the authority of a walking stock permit are travelling over a public road or a travelling stock reserve at a rate slower than that allowed by this clause; and
- (b) neither the owner of the stock nor the person in charge of the stock has obtained approval for slow travel under this clause or, if that approval has been obtained, the conditions or restrictions to which the stock are subject have not been or, as the case may be, are not being complied with,

the stock are, for the purposes of the Act, to be regarded as trespassing on the road or reserve.

(7) Whenever any such stock are regarded as trespassing on a public road or a travelling stock reserve, the board in whose district the road or reserve is located may

- (a) cancel any approval granted in respect of the stock for slow travel; and
- (b) impound the stock as provided by the Act.

(8) For the purpose of this clause, a ranger, or other person authorised by the board, may, if a mob of stock partly comprises stock fit to travel at the rate prescribed by this clause and partly comprises stock unfit to travel, at that rate, order the stock which are unfit to be culled from the mob.

(9) The person in charge of stock culled in accordance with an order under subclause (8) must ensure that those stock are, unless a ranger or other person authorised by the board concerned has permitted them to travel at a slower rate, immediately removed from the public road or travelling stock reserve by vehicle or some other appropriate means.

Maximum penalty: 10 penalty units.

(10) If a fresh permit endorsed for slow travel is issued for stock culled in accordance with an order under subclause (8), the person in charge of the stock must pay the appropriate charges to the ranger or other person authorised by the board concerned.

Maximum penalty: 10 penalty units.

(11) If the person in charge of stock fails to pay the charges referred to in subclause (10), the ranger or other person authorised by the board concerned may impound the stock.

(12) In this clause, "**daylight hours**" means the period between sunrise and sunset.

### **Orders for the payment of agistment fees**

**79. (1)** If a person is convicted of an offence under clause 78, the court concerned must, in addition to imposing a penalty, make an order directing the payment of agistment fees:

- (a) if the offence was committed in respect of travelling within a particular district - to the board for that district; or
- (b) if the offence was committed in respect of travelling within 2 or more districts - to the boards for each of those districts in such proportions as the court considers to be equitable.

**(2)** An order under subclause (1) may be made against:

- (a) the person shown in the walking stock permit as the owner of the stock; or
- (b) the person who was in charge of the stock at the time of the relevant offence; or
- (c) both of them.

**(3)** If such an order is made against both of those persons, the court may apportion the amount ordered to be paid between them.

**(4)** The agistment fees to be specified in an order made under subclause (1) are to be calculated in respect of the number of days in excess of the number of days that the journey would have taken if stock had each day travelled the distances required by clause 78.

**(5)** The agistment fees to be specified in an order made under subclause (1) are:

- (a) 50 cents for each 10 head of small stock and for any part of that number; or
- (b) 50 cents for each head of large stock,  
for each day of travel in excess of that which the journey would have taken if clause 78 had not been contravened.

(6) An order for the payment of agistment fees made under subclause (1) operates, and is enforceable, as a judgment under the Local Courts (Civil Claims) Act 1970.

(7) Such an order may, for the purpose of subclause (6), be entered in the records of:

- (a) the court exercising jurisdiction under the Local Courts (Civil Claims) Act 1970 named in the order; or
- (b) if no such court is named, in the records of any court exercising that jurisdiction.

**Agistment fees payable in other cases**

**80. (1)** If, because of the condition of stock being moved under the authority of a walking stock permit, a ranger, or some other person authorised by the board concerned, considers it to be impracticable to move the stock over the distances that they are required by clause 78 to travel, the person to whom the permit has been issued must pay to that board agistment fees as determined by that board in accordance with subclause (2) but not exceeding those referred to in clause 79 (5).

(2) For the purposes of subclause (1), agistment fees are to be calculated in respect of the number of days that the journey would have taken if the stock had each day travelled the distance required by clause 78.

(3) Agistment fees required to be paid to a board under this clause are payable within 48 hours of a demand being made by

- (a) the board; or
- (b) a ranger or the secretary of the board concerned; or
- (c) an employee of the board designated by that board for the purpose of receiving payment of agistment fees.

(4) A board:

- (a) may; or
- (b) must, if so directed by the Minister in any particular case, remit or waive any agistment fees that would, but for this subclause, be payable to the board under this clause.

**Stock held at night**

**81. (1) If:**

- (a) in the course of a journey by stock walking over a public road or travelling stock reserve, the stock are halted for the night; and
- (b) the person in charge of the stock does not place the stock in a stock holding area; and
- (c) a stock holding area is located within 2 kilometres of the place where the stock are so halted and that holding area is not occupied by other stock,

the person in charge of the stock is, unless he or she had reasonable cause for failing to place the stock in a stock holding area, guilty of an offence.

Maximum penalty: 5 penalty units.

(2) For the purpose of section 98 (9) of the Act, a portable holding structure may be used as a holding area if it is adequate to prevent the stock from escaping and provided it is erected as far as practicable from the carriageway of any public road that is in the vicinity.

(3) If, in the course of a journey by stock over a public road or travelling stock reserve, stock are halted for the night otherwise than in a stock holding area, the person in charge of the stock must place the appropriate signs in the appropriate positions in relation to the stock.

(4) For the purposes of subclause (3), the appropriate signs are the stock warning signs complying with clause 83 (5) and the appropriate positions are those specified in clause 83 (4).

(5) Any person who fails to comply with subclause (3) is guilty of an offence.

Maximum penalty: 10 penalty units.

(6) If any stock are to be halted for the night at any place other than in a stock holding area, the person in charge of the stock must ensure that the stock are halted as far as practicable away from the carriageway of any public road that is in the vicinity.

Maximum penalty: 5 penalty units.

(7) If the person in charge of stock proves that, in order to avoid committing an offence under subclause (1) on a particular day the stock travelled a distance that is less than the distance that they are



required to travel by this Part, that person is not guilty of an offence under clause 78 if the difference between the distance that the stock travelled and the distance that they were so required to travel under that clause is less than 2 kilometres.

**No camping permitted for short distance travel**

**82. (1)** A person who is in charge of walking stock must ensure that the stock do not camp on a public road or travelling stock reserve if the total journey to be undertaken is:

- (a) less than 16 kilometres if the stock consist wholly of large stock; and
- (b) less than 10 kilometres if the stock consist wholly of small stock or partly of large stock and partly of small stock.

**(2)** Any person who fails to comply with this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

**Display of warning signs**

**83. (1)** For the purpose of section 96 of the Act, whenever stock are on or within 300 metres of a public road and no stock proof fence separates the stock from the carriageway of the road, the person in charge of the stock must ensure that:

- (a) stock warning signs complying with this clause are displayed as provided by this clause in relation to the stock while the stock are on a public road; and
- (b) those signs are removed when the stock leave the road.

**(2)** A ranger, or other person authorised by the board concerned, who considers that any stock warning signs erected on a public road do not relate to any stock located on or near the road may remove the signs to a place of safe keeping and retain them there until claimed by their owner or disposed of in accordance with law.

**(3)** For the purpose of identification, a board may

- (a) mark on the back of stock warning signs that are supplied by the board permanent identifying numbers; and
- (b) maintain a record of those numbers and the persons to whom the signs were supplied.

(4) Except as provided by subclauses (6) and (8) and by clause 89, the person in charge of stock that are walking over, or are grazing or halted on, a public road must ensure that:

- (a) stock warning signs are displayed no more than 5 kilometres apart at each end of the part of the road that is occupied by the stock; and
- (b) the particulars shown on the signs are clearly visible to drivers of vehicles using the road who approach the stock from either direction; and
- (c) the signs are in accordance with subclause (5) and, where appropriate, subclause (9).

(5) For the purpose of subclause (4) (c):

- (a) a stock warning sign must be constructed of:
  - (i) rigid metal, heavy duty plastic, corflute or other rigid and durable material; or
  - (ii) material which can be folded or rolled and which is securely held by a frame while unfolded or unrolled when used for the purpose of subclause (4); and
- (b) the particulars to be shown on the sign are those shown in Diagram A or B in Part 2 of Schedule 3 (whichever is appropriate); and
- (c) those particulars must be coloured black on a yellow background; and
- (d) the sign must be in the form of a flat, square sheet with sides 750 millimetres in length.

(6) If stock are being moved across or along a public road and the distance that the stock are to be moved on that road is not more than 1 kilometre, the person in charge of the stock must, except as provided by subclause (8), ensure that:

- (a) stock warning signs are displayed at the places on the road not more than 500 metres and less than 200 metres before the place where the movement of the stock is to begin and not more than 500 metres and not less than 200 metres after the place on the road where the movement is to end; and
- (b) the particulars shown on the signs are clearly visible to drivers of vehicles using the road who approach the stock from either direction; and

- (c) the signs:
  - (i) are in accordance with subclause (7) and, where appropriate, subclause (9); or
  - (ii) are permanent signs of a type approved by the local authority or Minister for Crown Lands (according to whether the road is a public road within the meaning of the Crown and Other Roads Act 1990 or a Crown road within the meaning of that Act).

(7) For the purposes of subclause (6) (c):

- (a) a stock warning sign must be constructed of:
  - (i) rigid metal, heavy duty plastic, corflute or other rigid and durable material; or
  - (ii) material which can be folded or rolled and which is securely held by a frame while unfolded or unrolled when used for the purpose of subclause (6); and
- (b) the particulars to be shown on the sign are those shown in Diagram A or B in Part 3 of Schedule 3 (whichever is appropriate); and
- (c) those particulars must be coloured black on a yellow background; and
- (d) the sign must be in the form of a flat square sheet with sides 750 millimetres in length.

(8) If an unfenced public road passes through land which is normally grazed by stock owned by the occupier of the land, that occupier must ensure that signs of the type required under clause 89 are permanently displayed at each end of the road where it intersects the boundaries of the holding.

(9) If stock warning signs required by this clause are displayed at night, the particulars referred to in subclause (5) or (7) must be made of reflective material.

#### **Stock to be adequately controlled**

**84. (1)** A person in charge of stock that are on a public road or travelling stock reserve must keep the stock under control at all times.

**(2)** For the purposes of subclause (1), "**control**", in relation to stock, means action designed to ensure that the stock do not move to a

location, or do not behave in a manner, which would be hazardous to passing traffic or to the general public.

(3) A person in charge of stock who fails to comply with subclause (1) is guilty of an offence.

Maximum penalty: 10 penalty units.

(4) A board, or a person authorised by the board, may require an increase in the number of persons supervising walking or grazing stock that are on a public road or travelling stock reserve, so as to minimise the risk to passing traffic or for any other reason considered by the board to be appropriate.

(5) A person in charge of stock who, without reasonable excuse, fails to comply with a requirement under subclause (4) is guilty of an offence.

Maximum penalty: 10 penalty units.

(6) When issuing a walking stock permit, a board, or a prescribed officer of a board, may impose a condition restricting the number of walking stock which may be moved under the authority of the permit.

(7) It is a condition of a walking stock permit that, as far as practicable, the person in charge of stock that are being moved under the authority of the permit will ensure that the stock are kept in a cohesive mob and that they do not disperse along an unreasonable length of a public road or travelling stock reserve.

(8) A person in charge of stock who fails to comply with a condition subject to which a walking stock permit is issued is guilty of an offence.

Maximum penalty: 10 penalty units.

(9) A penalty may be imposed under subclause (8) irrespective of whether or not the permit has been revoked under section 92 (11) of the Act.

(10) A ranger or other person authorised by the board may direct the person in charge of stock on a public road or a travelling stock reserve to reduce the dispersal of the stock.

(11) A person in charge of stock who fails to comply with a direction given under subclause (10) is guilty of an offence.

Maximum penalty: 5 penalty units.

(12) A person who is in charge of stock that are walking over a public road or travelling stock reserve must ensure as far as practicable that

the stock do not move onto the carriageway of the road, except so far as necessary for the stock to cross the road or reserve to gain access to water, pass through a gate or pass over a bridge.

(13) A person in charge of stock who fails to comply with subclause (12) is guilty of an offence.

Maximum penalty: 5 penalty units

**Persons in charge of stock or pigs not to leave the stock or pigs unattended**

85. (1) For the purposes of section 98 (10) of the Act, the Circumstances in which a person who is in charge of walking stock or pigs may leave the stock or pigs unattended on a public road or travelling stock reserve are as follows:

- (a) in the case of a medical emergency involving the person;
- (b) for the purpose of moving stock warning signs;
- (c) in circumstances approved in writing by a ranger.

(2) A person who erects on a public road or travelling stock reserve temporary enclosures for stock or pigs without having obtained the prior approval in writing of the board concerned or a ranger employed by that board is guilty of an offence.

Maximum penalty: 10 penalty units.

**Penalty fee - movement of walking stock**

86. For the purposes of section 90 (5) of the Act, the penalty fee is to be a further payment equal to the fee which would have been payable if the person had obtained a walking stock permit or grazing permit authorising the movement or grazing of the stock concerned.

**Fees for grazing permits**

87. The fee that may be charged under section 93 of the Act for the issue of a grazing permit must not exceed \$1 per day for each large stock or each 10 small stock.

**Disposal of carcasses required**

88. (1) If walking or grazing stock die on or within 800 metres of a public road or travelling stock reserve, the person in charge of the stock must, within 48 hours of the death

- (a) destroy the carcasses by burning; or
- (b) bury the carcasses or dispose of them in such manner as may be approved by a person authorised for the purposes of this clause by the board for the district in which the stock have died.

(2) If a person in charge of stock that have died fails to comply with subclause (1), the person is guilty of an offence.

Maximum penalty: 5 penalty units for each carcass in respect of which the offence was committed.

(3) If the person in charge of stock that have died fails to destroy, bury or otherwise dispose of the carcasses as required in subclause (1), the board concerned may destroy, bury or otherwise dispose of the carcasses.

(4) If a board exercises the power conferred by subclause (3), it may, by proceedings brought in a court of competent jurisdiction, recover from the owner of the stock concerned any expenses reasonably incurred in exercising the power.

#### **Temporary grazing permits**

**89. (1)** For the purposes of section 94 (7) of the Act, the following conditions are prescribed:

- (a) grazing is allowed only during the hours between sunrise and sunset;
- (b) at all times when stock are grazing on a public road, stock warning signs, complying with subclause (2), must be displayed on the road not more than 500 metres (and not less than 200 metres each side of the place where the stock are grazing);
- (c) the particulars shown on the signs must be clearly visible to drivers of vehicles using such a road who approach the stock from either direction;
- (d) the stock warning signs must be removed as soon as the stock leave the road;
- (e) a responsible person must at all times while the stock are grazing on a public road be in attendance to supervise and control the stock.

(2) For the purpose of subclause (1) (b):

- (a) a stock warning sign must be constructed of rigid metal, heavy duty plastic, corflute or other rigid and durable material; and

- (b) the particulars to be shown on the sign are those shown in Diagram A or B in Part 3 of Schedule 3 (whichever is appropriate); and
  - (c) those particulars must be coloured black on a yellow background; and
  - (d) the sign must be in the form of a flat, square sheet with sides 750 millimetres in length.
- (3) A temporary grazing permit authorizing stock to graze on public roads may not be issued, and if issued is not valid, unless:
- (a) the roads concerned are within an area that the Minister has publicly declared to be drought stricken; or
  - (b) there is a need to reduce a bushfire hazard by grazing; or
  - (c) the holding on which the stock are normally held is or has been directly damaged by flood or bushfire; or
  - (d) both the board and local authority concerned have agreed that any other specified circumstances exist which warrant the issue of such a permit.
- (4) For the purposes of section 94 (4) of the Act, the fee that may be charged for the issue of a temporary grazing permit must not exceed 50 cents per day for each large stock or each 10 small stock.
- (5) If the council of a local government area has, in accordance with the Local Government Act 1919, declared that access to a public road within the area is not permitted, a temporary grazing permit which would authorise stock to graze along that road is not valid with respect to that road.

#### **Division 4 - Stock licences**

##### **Issue of stock licences and fees for stock licences**

**90. (1)** A board may refuse to issue a stock licence for any reason it considers appropriate.

**(2)** For the purposes of section 100 (2) of the Act, the maximum fee that may be charged for a stock licence is \$5 for each year or part of a year for which the licence is issued.

**(3)** A stock licence must specify the places between which, or the area within which, the licence is valid.

(4) A stock licence may indicate a maximum distance within which stock may be moved under the authority of the licence.

(5) The fee determined by a board as payable for the issue of a stock licence is to be charged irrespective of:

- (a) any maximum travel distance endorsed on the licence; or
- (b) the area within which the licence is valid; or
- (c) the period for which the licence is issued.

(6) An applicant for a stock licence must provide such information as the board considers necessary to enable it to decide whether or not the licence should be issued.

(7) A board may decline to issue, or may suspend or cancel, a stock licence if a stock inspector has reported to the board that he or she reasonably suspects that any stock on the applicant's holding are suffering from a contagious disease.

#### **Use of stock licences**

**91. (1)** For the purpose of section 99 (1) of the Act, a person may, subject to subclause (3), move stock by vehicle under the authority of a stock licence instead of a transported stock statement in order:

- (a) to move the stock over a distance not exceeding the distance as prescribed for the relevant district as listed in Schedule 4; or
- (b) to move the stock within a district (whether or not the distance to be travelled is greater than the distance referred to in paragraph (a)):
  - (i) between any two holdings that are occupied by the same occupier; or
  - (ii) to or from dip sites; or
  - (iii) if the stock are not horses - to or from an agricultural exhibition; or
  - (iv) if the stock are calves that are not more than 1 month old - to saleyards.

(2) Stock may also be moved by vehicle under the authority of a stock licence instead of a transported stock statement by an agent between the agent's holding paddock or holding yard and a saleyard or abattoir if the distance does not exceed 5 kilometres and if the stock were originally moved to the holding paddock or holding yard under the authority of a transported stock statement or walking stock permit.



(3) Subclause (1) does not, except as provided by paragraph (b) (iv) of that subclause, authorise a person to move stock by vehicle to a saleyard or abattoir under the authority of a stock licence.

(4) For the purpose of section 99 (1) of the Act, a person may use a stock licence instead of a walking stock permit to move large stock for a distance not exceeding 16 kilometres or to move small stock, or stock consisting partly of large stock and partly of small stock, for a distance not exceeding 10 kilometres:

- (a) between any 2 holdings occupied by the same occupier; or
- (b) to or from any place for the purpose of being sheared, crutched, dipped, branded, earmarked or for other treatment associated with good animal husbandry practice; or
- (c) if the stock are not horses - to or from an agricultural exhibition; or
- (d) if the stock are less than sixmonths of age - to walk to saleyards or abattoirs provided the stock are not accompanied by older stock; or
- (e) in the case of stock that have been taken to a saleyard for sale but were unsold - to the holding from which they travelled for the purposes of sale.

(5) Stock may also be moved under the authority of a stock licence instead of a walking stock permit by an agent between the agent's holding paddock or holding yard and, a saleyard or abattoir if the distance involved does not exceed 5 kilometres and if the stock were originally moved to the holding paddock or holding yard under the authority of a transported stock statement or walking stock permit.

## **PART 5 - ABANDONED AND TRESPASSING STOCK**

### **Impounding of stock of pigs**

**92. (1)** If an animal has been seized or detained under Part 7 of the Act with a view to its being impounded, then, at any time before it is placed in a pound, the board concerned, or a person authorised by that board to impound abandoned or trespassing animals within the board's district, may release the animal to the owner of the animal, or to any person authorised in writing by that owner to take delivery of the animal on the owner's behalf, on payment of all relevant fees and charges prescribed for the purposes of section 116 (1) of the Act,

calculated at the same rates as those that would be applicable if the animal had been actually impounded by the board.

(2) If any money is received from a person to whom a seized or detained animal is released in accordance with subclause (1), the person receiving the money must issue a receipt for the money and pay it to the board concerned.

(3) If a person who receives money under subclause (2) fails to comply with that subclause, the person is guilty of an offence.

Maximum penalty: 10 penalty units.

(4) If an animal has been impounded under the Act, or has been seized or detained for that purpose, the board concerned may refuse to release the animal to a person who applies for its release unless the person:

- (a) provides his or her full name and residential address; and
- (b) if not the owner of the animal - provides the full name and residential address of the owner of the animal; and
- (c) gives a receipt for the animal.

### **Fees and charges**

**93. (1)** A board must notify the impounding, agistment and sustenance fees and other charges prescribed by this clause for the purposes of section 116 (1) of the Act by exhibiting a notice on the notice board installed at the board's pound in accordance with clause 95.

(2) For the purposes of section 116 (1) of the Act, the following fees and charges are prescribed:

- (a) droving fees in respect of animals walked to a pound - as set out in Part 1 of Schedule 5;
- (b) impounding fees in respect of animals impounded in a board's pound - as set out in Part 2 of Schedule 5;
- (c) deterrent fees in respect of animals so impounded - as set out in Part 3 of Schedule 5;
- (d) all expenses incurred in feeding and watering and, providing veterinary care to, impounded stock;
- (e) if an animal seized or detained for impounding is transported by a board, or a person acting under the authority of the board,

to the board's pound - all expenses that the board has incurred in transporting the animal to the pound.

(3) If an animal is transported by a board, or a person acting under the authority of the board, to a local authority's pound, the board concerned may, by proceedings brought in a court of competent jurisdiction, recover from the owner of the animal all fees and charges that would have been payable to the board in respect of transporting the animal to the pound if the pound had been the board's pound, but all fees and charges relating to the impounding after the animal arrives at the pound are payable to the local authority concerned.

(4) If a board that has impounded stock has not exercised its power under section 116 (1) of the Act with respect to the payment of impounding, agistment or sustenance fees or other charges in respect of the impounding of the stock, the board may, by proceedings brought in a court of competent jurisdiction, recover those fees and charges from the owner of the stock.

### **Opening and closing a board pound**

**94. (1)** The opening or closing of a pound by a board is effected by publishing a notice of the opening or closing in 2 issues of a local newspaper not more than 1 month and not less than 1 week before the opening or closing.

(2) In subclause (1), "**local newspaper**" means a newspaper circulating in the district where the pound is located.

(3) Whenever a board opens a pound, it must ensure that the pound is secured sufficiently to prevent the escape of animals held in the pound.

### **Functions of a poundkeeper**

**95. (1)** A board that has opened a pound must install a notice board at or in the immediate vicinity of the pound so that it can be seen by members of the public.

(2) A poundkeeper must exhibit on the notice board a notice in clear and legible writing containing particulars of the following:

- (a) the name of the board and the address of the board's office;
- (b) the name of the pound;
- (c) the name and address of the poundkeeper;
- (d) the scale of authorised fees and charges currently in force at the pound;
- (e) a list of the animals that are currently within the pound, giving:
  - (i) a brief description of all animals held in the pound; and
  - (ii) the dates on which they were impounded; and
  - (iii) the details of any brand or earmark designs that are applied to the animals.

**(3) A poundkeeper must:**

- (a) receive into a board's pound any animal brought to be impounded by a ranger or other person authorised by the board; and
- (b) issue a receipt for the animal.

**(4) A poundkeeper must:**

- (a) keep a record, to be known as the pound register, in a form directed or approved by the Minister; and
- (b) enter in the record, at the time (and in accordance with the requirements of the headings of the register), the particulars of each impounding and of each dealing with an impounded animal.

**(5)** A poundkeeper must allow any member of the public who wishes to do so to inspect the pound register or, if the register is kept in a computer data base, a printout of the register at any time during which the pound is open for business.

**(6) A poundkeeper:**

- (a) must ensure that, at least once each day, animals in the pound are provided with adequate food and water; and
- (b) where necessary, may take animals from the pound for that purpose.

**(7)** If a poundkeeper is unable to obtain food or water because of drought or other cause beyond the poundkeeper's control:

- (a) the poundkeeper must report the fact to the board concerned; and

- (b) on receipt of such a report the board may give such directions as it considers appropriate to deal with the circumstances.

(8) If a board has given directions for the purpose of dealing with the unavailability of food or water reported under subclause (7) and the poundkeeper or other person to whom those directions were given has made every effort to comply with those directions, then neither the board nor the poundkeeper incurs any liability for failure to feed or water the animals.

(9) A poundkeeper must:

- (a) keep the pound clean and secure for the proper care of the animals kept there; and
- (b) may, if in doubt as to the correct reading of a brand, earmark or tattoo design, clip or shave the brand, earmark or tattoo.

(10) A poundkeeper must:

- (a) keep animals in the pound that are known to be suffering from a contagious disease separate from the other animals kept there; and
- (b) report the disease to the district veterinarian.

(11) A poundkeeper must:

- (a) enter in the pound register in respect of every animal impounded at the pound particulars of how the animal is disposed of (whether by release or sale or otherwise); and
- (b) so far as is practicable, enter all other particulars required by the form of that register.

(12) Within 7 days after the end of each month, the poundkeeper must prepare, as directed by the board concerned, a record of particulars concerning the matters specified in subclause (13) and send a copy of that record to that board.

(13) The following matters are specified for the purpose of subclause (12):

- (a) all animals in the pound at the beginning of the month;
- (b) all animals impounded in the pound during the month;
- (c) all impounded animals that were released or sold from the pound, or that died in the pound, during the month;

- (d) all money that the poundkeeper has received during the month;
- (e) all money paid by the poundkeeper to the board;
- (f) particulars of the animals destroyed under section 115 of the Act in the board's district, the expense incurred in destroying the animals and the proceeds from the sale of the carcasses of the animals;
- (g) any debt that the owner of an animal owes the board for fees or charges in respect of the impounding of the animal in the pound.

(14) A poundkeeper must retain the pound register in safe custody for a period of 5 years from the date on which the last entry was made in the register.

(15) A poundkeeper must:

- (a) reply to any inquiry received from any member of the public in respect of an animal within 7 days after receiving the inquiry; and
- (b) keep in safe custody for a period of not less than 12 months a record of any reply sent in response to such an inquiry.

(16) When a poundkeeper ceases to hold office, the poundkeeper must hand over all property of the board in the poundkeeper's possession in accordance with the written orders of the board.

(17) A poundkeeper who fails to comply with a requirement of this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

### **Information to be given**

**96. (1)** A person who applies to a board for the release of an animal from the board's pound must, when required to do so by the poundkeeper, give information as to:

- (a) whether or not the person is the owner of the animal; and
- (b) if the person is not the owner of the animal, the person's full name and residential address and whether or not the person is authorised by the owner to obtain the release of the animal.

**(2)** Any person who, on being required to give information in accordance with subclause (1):

- (a) makes a claim that the person is the owner of the animal or is authorised by the owner to obtain the release of the animal; or

(b) gives a name or address,  
with the knowledge that the claim, or the name or address, is false or misleading, is guilty of an offence.

Maximum penalty: 10 penalty units.

(3) A poundkeeper may refuse to release an animal to any person who, after being required to provide information in accordance with subclause (1):

- (a) refuses to provide the information; or
- (b) provides information which the poundkeeper believes on reasonable grounds to be false or misleading.

**Notice to be given when stock have been impounded**

**97. (1)** Whenever stock are impounded, the poundkeeper must give notice of the impounding:

- (a) to the owner of the stock (if known to the poundkeeper) - by notice given, within 48 hours after the impounding, personally or by telephone or in writing sent by post; or
- (b) if the owner is not known to the poundkeeper - by advertisement in a newspaper circulating in the district where the pound is located once each week of all animals in the pound at the time of preparation of the advertisement, and by notice exhibited on the pound notice board installed in accordance with clause 95.

(2) A notice exhibited in accordance with subclause (1) (b) must be displayed at all times while the animals concerned remain at the pound.

(3) A poundkeeper who fails to comply with this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

**Sale of impounded animals**

**98. (1)** A poundkeeper may sell on behalf of the board any impounded animal if:

- (a) the poundkeeper has the written authority of the owner of the animal to sell it; or
- (b) the animal (not being a goat or pig) has no legible identification and appears to the poundkeeper to be over the age of 12

months and the poundkeeper has obtained the approval of the board to sell the animal; or

- (c) the owner of the animal (not being a goat or pig) is known to the poundkeeper and the animal has been in the pound for a period of at least 4 days after the day on which the poundkeeper served the required impounding notice on the owner and the poundkeeper has obtained the board's approval to sell the animal; or
- (d) the owner of the animal (not a goat or being pig) is unknown to the poundkeeper, the animal has been kept in the pound for a period of at least 7 days after the day on which the required impounding notice was published and the poundkeeper has obtained the board's authority to sell the animal; or
- (e) the animal (being a goat or pig) has been in the pound for not less than 3 days before the day on which it is sold.

(2) A board, before authorising the sale of an animal that is impounded, must satisfy itself that the requirements of the Act have been complied with.

(3) A sale of impounded animals authorised to be sold under this clause must be by public auction conducted at the board's pound by the poundkeeper or at any market or saleyard designated by the board.

(4) A poundkeeper is not required to hold an auctioneer's licence in order to conduct an auction under subclause (3).

(5) A sale of impounded animals under this clause has the same effect as if the person who owned the animals before the sale had expressly authorised the sale.

(6) An animal to be sold under this clause must not be purchased by the poundkeeper, any member of the board or any employee of the board.

(7) A purchase in contravention of subclause (6) is void.

(8) A poundkeeper must not deliver an animal sold under this clause until the sale price is paid.

(9) If the sale price is not paid within 15 minutes of the end of the sale at which the animal was sold, the poundkeeper may:



- (a) rescind the sale of the animal; and
- (b) offer the animal for resale.

(10) Except as provided by subclause (7), the failure of the poundkeeper to carry out a duty imposed on the poundkeeper by this clause does not affect the validity of the impounding or sale of any animal affected by the omission.

(11) The proceeds arising from a sale under this clause of stock impounded under the Act are to be applied:

- (a) firstly, in the payment of the expenses incurred by the poundkeeper in selling the stock; and
- (b) secondly, in the payment to the board of impounding, agistment and sustenance fees and other charges that are payable under this Part in respect of the impounding of the stock,

and the balance (if any) is to be dealt with in accordance with the Unclaimed Money Act 1982.

(12) If:

- (a) the proceeds of sale of stock impounded under the Act are insufficient to defray the expenses of fees and charges referred to in subclause (11) (a) and (b); and
- (b) the person who formally owned the stock is known to the board, the board may by proceedings brought in a court of competent jurisdiction, recover those expenses, fees and charges (or the balance of them) from that person.

## **PART 6 - NOXIOUS ANIMALS**

### **Methods of destruction of noxious animals**

99. (1) For the purposes of Part 9 of the Act, the following methods are prescribed methods for the suppression and destruction of noxious animals:

- (a) the application in accordance with the Pesticides Act 1978 of a pesticide registered under that Act, or the use of which is otherwise permitted or authorised by that Act, for the purpose of suppressing and destroying noxious animals of the species concerned;

- (b) fumigating;
- (c) digging out;
- (d) digging in;
- (e) ploughing out;
- (f) ploughing in;
- (g) use of explosives by the holder of a certificate of competency as a powderman under the Construction Safety Act 1912;
- (h) trapping;
- (i) dogging;
- (j) removing or destroying the habitats and refuges of noxious animals;
- (k) ripping;
- (l) shooting, including shooting from aircraft.

(2) The occupier of any land on which the habitat or refuge of a noxious animal is located must remove or destroy the habitat, or refuge if it is within 40 metres of a rabbit proof, dog proof or marsupial proof fence.

#### **Order to destroy noxious animals**

**100. (1)** An order by a board in accordance with section 127 (2) of the Act may be served in any of the ways referred to in section 215 of the Act.

(2) For the purposes of section 127 (7) of the Act, the inspection charge is to be determined by the board concerned, but must not exceed an amount equal to the minimum general rate currently fixed for that board's district.

#### **Keeping one rabbit**

**101.** Either the occupier of premises that comprise or include a separate, free standing dwelling-house, or a member of that occupier's household (but not both) is permitted to keep a single rabbit at those premises subject to the following conditions:

- (a) the rabbit must be of a recognised domestic breed or hybrid of a domestic breed and in no circumstances is a wild type of rabbit, or hybrid of a wild type, to be kept at the premises;

- (b) the rabbit must be kept in a rabbit-proof enclosure;
- (c) the rabbit must not be released, abandoned or left in any situation which would allow the rabbit to roam at large;
- (d) the occupier of the premises at which the rabbit is kept must allow the rabbit and the premises to be inspected at any time by any officer authorised for that purpose by the Minister or by any employee of the board in whose district the premises are located who is authorised for that purpose;
- (e) the rabbit must not be or have been vaccinated with fibroma vaccine.

**Permission to keep noxious animals**

**102. (1)** For the purposes of section 131 (1) of the Act, the following noxious animals are specified:

- (a) rabbits to be kept for research purposes;
- (b) rabbits to be kept for commercial meat or fur production;
- (c) rabbit; to be kept for domestic purposes;
- (d) rabbits, wild dogs or feral pigs kept for public exhibition at a zoo, wildlife park or similar premises.

**(2)** Except as provided by subclause (3), for the purposes of section 131 (2) of the Act, the fee payable:

- (a) for permission to keep not fewer than 2 nor more than 10 rabbits is \$50 per year or part of a year; or
- (b) for permission to keep not fewer than 11 nor more than 100 rabbits is \$200 per year or part of a year; or
- (c) for permission to keep more than 100 rabbits is \$200 per year or part of a year for the first 100 rabbits plus 50 cents per year or part of a year for every additional 100 rabbits or part of that number.

**(3)** The fee payable by a public hospital, university, school or other educational or medical institution for permission to keep 2 or more rabbits is \$20 per year or part of a year.

**(4)** For the purposes of subclauses (2) and (3), "**year**" means a period of 12 months beginning on 1 October.

**(5)** The Minister may refer an application for permission to keep a noxious animal to the board for the district within which it is proposed to keep the animal.

(6) On receipt of an application referred under subclause (5), the board must, after considering the application, return it to the Minister within the period specified by the Minister, together with the board's recommendation on the application.

(7) The following conditions apply to the keeping of rabbits for research purposes:

- (a) the occupier of the premises at which the rabbits are kept must allow the rabbits and the premises to be inspected at any time by any officer authorised for that purpose by the Minister or by any employee of the board in whose district the premises are located who is authorised for the purpose;
- (b) none of the rabbits may be released, abandoned or left in any situation which would allow any of the rabbits to roam at large;
- (c) the rabbits must not be kept at any place other than at the premises specified in the permit, unless the board in whose district the rabbits are kept has given approval in writing for the rabbits to be kept at other specified premises;
- (d) the rabbits (unless dead) must not be sold or otherwise disposed of except individually to a person to whom clause 101 applies and who does not already keep a rabbit in accordance with that clause or to another person permitted to keep rabbits under section 131 (1) of the Act;
- (e) no fibroma vaccine may be kept on or brought onto the premises at which the rabbits are kept;
- (f) no rabbit that has been vaccinated with fibroma vaccine may be kept on or brought onto those premises;
- (g) the rabbits must not be vaccinated, or have been vaccinated, with fibroma vaccine.

(8) Any permission granted by the Minister under section 131 (1) of the Act with respect to the keeping of rabbits must specify the number and breed of the rabbits permitted and the purpose for which the rabbits may be kept.

## **PART 7 - CONTROL OF NOXIOUS INSECTS**

### **Prescribed method for suppression and destruction of noxious insects**

**103. (1)** For the purposes of Part 10 of the Act, the prescribed method for the suppression and destruction of noxious insects is the

application in accordance with the Pesticides Act 1978 of a pesticide registered under that Act, or the use of which is otherwise permitted or authorised by that Act.

(2) The application of a pesticide referred to in subclause (1) must be carried out:

- (a) after the insects have hatched out from the eggs; and
- (b) while the insects are concentrated in bands; and
- (c) before the insects have become fully winged.

**Information to be supplied by the occupier of land**

**104.** For the purposes of section 139 of the Act, the specified particulars which an occupier of land must state in a notice to a board in respect of noxious insects are as follows:

- (a) whether or not the insects, or any of them, are hatching out on the land;
- (b) the approximate size of the insects;
- (c) whether or not the insects, or any of them, are winged adult insects;
- (d) whether or not the insects, or any of them, are laying eggs on the land.

**PART 8 - RABBIT, DOG AND MARSUPIAL PROOF FENCES**

**Application to local land board for decision or determination**

**105. (1)** An application to the local land board for the decision or determination of that board in connection with any matter or thing in respect of which it has jurisdiction under Part 11 of the Act must be in accordance with a form provided or approved by the Minister and:

- (a) where the land to which the application relates is wholly or mainly within the Eastern and Central Division - be lodged with the manager of that board; or
- (b) where the land to which the application relates is wholly or mainly within the Western Division - be lodged with the Western Lands Commissioner in Sydney.

(2) If the application is for permission to erect a rabbit proof, dog proof or marsupial proof fence across a road, travelling stock reserve, or public lands, it must be accompanied:

- (a) by a fee of \$50 to cover the cost of processing it; and
- (b) by a plan or sketch showing the position of the proposed fence and any gates that are to form part of the fence.

(3) If in the application permission is sought for the fence:

- (a) to cross more than one road, travelling stock reserve or tract of public land; or
- (b) to cross the same road, travelling stock reserve or tract of public land at a different place, or at different places, within or outside of a holding,

a further sum of \$50 is payable for each separate crossing in excess of 4.

(4) The cost of an inspection, report or notification necessary in connection with the application is to be deducted from the sum paid.

(5) If the application relates to land, or to a road or travelling stock reserve, that is wholly or mainly in the Eastern and Central Division, particulars of the application and a copy of the plan or sketch must, before the application is considered, be exhibited for a period of not less than 1 month at the office of the manager of the local land board in whose land district the land, road or reserve is wholly or mainly located, together with a notice specifying a period (being not less than 1 month from the date of the notice) within which objections in writing by persons interested may be lodged with that manager.

(6) If the application relates to land, or to a road or travelling stock reserve, that is wholly or mainly within the Western Division, particulars of the application and a copy of the plan or sketch must, before the application is considered, be exhibited for a period of not less than 1 month at the principal place of administration of the rural lands protection board within whose district the land, road or reserve is wholly or mainly located, together with a notice specifying a period (being not less than 1 month from the date of the notice) within which objections in writing by persons interested may be lodged with the Western Lands Commissioner in Sydney.

(7) The applicant must publish a similar notice, and particulars of the application, in the Gazette and in a newspaper circulating in the locality in which the land, road or reserve is located.

**Minister's reference to local land board**

**106.** When the Minister is the moving party in any proceeding referred to in clause 105, the Minister may initiate the proceeding by a reference to a local land board.

**Assessment of claim for contribution towards cost of fencing**

**107. (1)** For the purposes of section 158 (a) of the Act, the prescribed manner for giving a notice of claim for a contribution under section 155 of the Act is by serving the notice in one of the ways specified in section 215 of the Act.

**(2)** For the purposes of section 158 (c) of the Act:

- (a) the prescribed manner for making an application to a local land board to assess the amount of the contribution payable under section 155 of the Act is by lodging the application with the local land board in writing either in person or by post; and
- (b) the prescribed fee is \$50.

**Contribution of Crown towards cost of fencing**

**108.** An application to the Minister for the consent referred to in section 160 (1) (d) of the Act to the erection of a rabbit proof, dog proof or marsupial proof fence, or to the making of any fence rabbit proof, dog proof or marsupial proof, in respect of which the Crown could become liable as a contributor must be:

- (a) in accordance with a form provided or approved by the Minister; and
- (b) be accompanied by a plan or sketch showing the position of the proposed fence.

**Assessment of claim for contribution towards cost of maintaining or repairing certain fences**

**109.** An application to the local land board to hear and determine an application under section 164 (2) of the Act must be accompanied by a fee of \$50.

## **PART 9 - IDENTIFICATION OF STOCK**

### **Division 1 - Large stock**

#### **Application for the registration of a board brand design for use in connection with large stock**

**110.** For the purposes of section 181 (2) of the Act:

- (a) the specified particulars are as set out in Part 1 of Schedule 6; and
- (b) the specified fee is \$25.

#### **Allocation of board brand designs**

**111. (1)** For the purposes of section 181 (3) (a) of the Act, a district registrar must allocate a design that depicts:

- (a) the character specified in Schedule 7 that identifies the district concerned; and
- (b) two other characters selected from one of the series set out in Schedule 8 that identify the registered proprietor of the design.

**(2)** The two characters referred to in subclause (1) (b) must be placed in a horizontal plane immediately after the character that identifies the district concerned and are intended to identify the registered proprietor of the design.

**(3)** A district registrar must ensure that no combination of characters that includes the character identifying the district is allocated more than once.

#### **Application for the registration of a symbol brand design for use in connection with large stock**

**112.** For the purposes of section 182 (3) of the Act:

- (a) the specified particulars are as set out in Part 1 of Schedule 6; and
- (b) the specified fee is \$25.

#### **Application for the registration of an earmark design for use in connection with cattle or deer**

**113.** For the purposes of section 183 (2) of the Act:

- (a) the specified particulars are as set out in Part 1 of Schedule 6; and



- (b) the specified fee is \$25.

**Application for the registration of a transfer of a brand or earmark design for use in connection with large stock**

**114.** For the purposes of section 185 (5) of the Act:

- (a) the specified particulars are as set out in Part 2 of Schedule 6;  
and
- (b) the specified transfer fee is \$25.

**Requirements for construction of branding instruments for use on large stock**

**115. (1)** A branding instrument depicting a registered board brand design must, if intended to be used for applying firebrands or freeze brands to large stock, be constructed in accordance with the following specifications:

- (a) the characters of the brand must be arranged in a horizontal plane so that the first character identifies the relevant district and the second and third characters identify the registered proprietor of the design;
- (b) if the instrument is designed for use on horses - each of the characters included in the brand must be not less than 25 millimetres and not more than 75 millimetres in height when the brand is placed in a horizontal position;
- (c) if the instrument is designed for use on large stock other than horses - each of the characters included in the brand must be not less than 35 millimetres and not more than 75 millimetres in height when the brand is placed in a horizontal position;
- (d) adjacent characters must be not less than 10 millimetres apart;
- (e) if the character that identifies the relevant district has a bar line above or below the character - that line must be not less than 25 millimetres and not more than 50 millimetres in height and must be appropriately located above or below, but not less than 10 millimetres from, the character.

**(2)** A branding instrument depicting a symbol brand design must, if intended to be used for applying firebrands or freeze brands to large stock, comply with the following specifications:

- (a) the character or each of the characters comprising or included in the design depicted on the instrument must be not less than 35 millimetres and not more than 75 millimetres in height, measured in its normal position;
  - (b) where that design comprises 2 or more characters, adjacent characters must be not less than 10 millimetres apart.
- (3) A branding instrument depicting a distinctive brand design must, if intended to be used to apply firebrands or freeze brands to large stock, comply with the following specifications:
- (a) the character or each of the characters comprising or included in the design must be not less than 25 millimetres in length;
  - (b) where that design includes 2 or more characters, adjacent characters must be not less than 10 millimetres apart.
- (4) A branding instrument depicting a registered board brand design must not be constructed in more than 2 pieces.
- (5) If a branding instrument depicting a registered board brand design is constructed in 2 pieces:
- (a) one of the pieces must depict 2 characters one of which identifies the relevant district and the other of which is the first of the characters which identifies the proprietor of the brand; and
  - (b) the other piece must depict the second of the characters that identifies that proprietor.
- (6) A branding instrument depicting a registered board brand design or a registered symbol brand design must, if intended to be used to apply an ear tattoo to large stock, be constructed so that the height of the character or each of the characters is not less than 15 millimetres.
- (7) A person who constructs a branding instrument that does not comply with the specifications prescribed by this clause, knowing that the instrument is for use on large stock, is guilty of an offence.
- Maximum penalty: 5 penalty units.

#### **Use of brands depicting registered brand designs**

**116. (1)** A person must not apply to stock a branding instrument that depicts a registered board brand design unless the instrument is either in one piece or 2 pieces and, if in 2 pieces, those pieces have been constructed in accordance with clause 115 (5).

(2) If a branding instrument depicting a registered board brand design is in 2 pieces, a person who applies the instrument to stock must ensure that, reading from left to right, the character that identifies the relevant district appears at the extreme left of the brand when affixed.

(3) A person who contravenes this clause is guilty of an offence.

Maximum penalty: 5 penalty units.

**Dimensions and positions of registered brands and earmarks for use on large stock**

**117. (1)** For the purposes of section 186 (1) (a) of the Act, the specified dimensions are as follows:

- (a) in the case of a firebrand or a freeze brand depicting a registered board brand design - those specified in clause 115 (1);
- (b) in the case of a firebrand or freeze brand depicting a registered symbol brand design - those specified in clause 115 (2);
- (c) in the case of a brand in the form of an ear tattoo that depicts a registered board brand design or a registered symbol brand design - that specified in clause 115 (6).

(2) For the purposes of section 186 (1) (b) of the Act, the parts of a large stock animal to which a brand of a registered design may be applied are those specified in Schedule 9.

(3) A person must not apply a brand of a registered design to a part of a large stock animal specified in Schedule 9 if the application of the brand to that part would be inconsistent with the order prescribed by clause 1 (2) or 2 (2) of that Schedule.

Maximum penalty: 5 penalty units.

(4) An earmark of a registered design that is for use in connection with cattle or deer must be of the dimensions and one or more of the shapes depicted in Schedule 10 and the ear pliers used to make any such earmark must have cutters of the same dimensions and shape.

(5) For the purposes of section 186 (2) (b) of the Act, the specified ear of cattle or deer to which an earmark of a registered design may be applied is the left ear for both males and females.

**Use of distinctive brands and earmarks on large stock**

**118. (1)** A person must not apply a distinctive brand to large stock, unless the person:

- (a) is the owner of the stock or is acting with the owner's authority; and
- (b) is a proprietor of a registered brand design for use in connection with large stock or is acting with the authority of such a proprietor.

**(2)** A person must not apply to large stock a branding instrument depicting a distinctive brand design unless the instrument is constructed in accordance with clause 115 (3).

**(3)** A person must not apply a distinctive brand to a part of a horse or to a part of cattle that is a part specified in Schedule 9 as a part on which a brand of a registered design may be placed.

**(4)** However:

- (a) a horse registered in the Australian Stud Book may be branded on the right shoulder or right thigh with a brand depicting a distinctive brand design if either of those positions does not already bear a brand depicting a registered design; and
- (b) a horse registered in the Australian Trotting Stud Book may be branded on the right shoulder with a brand depicting a distinctive brand design if that position does not already bear a brand depicting a registered design.

**(5)** A person who contravenes a provision of this clause is guilty of an offence.

Maximum penalty: 5 penalty units.

**(6)** For the purposes of section 187 (3) of the Act, the specified ear for the application of a distinctive earmark to cattle or deer is the right ear for both males and females.

**Certificate of particulars pertaining to certain Barge stock brand designs**

**119. (1)** Any person who requires specified information concerning a registered board brand design may make an application to the appropriate district registrar requesting that district registrar to conduct a search for that information in the part of the register kept

by that registrar in which particulars of registered board brand designs are kept.

(2) Any person who requires specified information concerning a registered symbol brand design may make an application to the appropriate district registrar requesting that district registrar to conduct a search for that information in the part of the register kept by that registrar in which particulars of registered symbol brand designs are kept.

(3) An application under this clause must be accompanied by a fee of \$25.

(4) On receipt of an application under this clause, together with the fee referred to in subclause (3), the district registrar concerned is required:

- (a) to conduct a search as requested in the application; and
- (b) to provide the applicant with a certificate setting out the result of the search including, where available, the information required by the applicant.

### **Directory of symbol brand particulars**

**120.** (1) The particulars to be included in a directory of symbol brand designs required to be published under section 184 of the Act are as follows:

- (a) the number of each registered symbol brand;
- (b) the name of the board concerned.

(2) For the purpose of section 184 of the Act, the prescribed period is the period of 5 years commencing on 1 July 1990 and each subsequent period of 5 years commencing on 1 July

### **Division 2 - Small stock**

#### **Applications for registration of brand of earmark designs for use in connection with small stock**

**121.** For the purposes of section 190 (2) of the Act:

- (a) the specified particulars are as set out in Part 1 of Schedule 6; and

- (b) the specified fee is \$25.

**Application for the registration of a transfer of a brand or earmark design for use in connection with small stock**

**122.** For the purposes of section 191 (4) of the Act:

- (a) the specified particulars are as set out in Part 2 of Schedule 6; and
- (b) the specified fee is \$25.

**Requirements for the construction of branding instruments for use on small stock**

**123. (1)** A branding instrument depicting a registered brand design must, if intended to be applied to small stock, be constructed so that the character or each of the characters comprising or included in the design is:

- (a) in the case of an instrument intended to be used to apply a firebrand - not less than 25 millimetres in height; and
- (b) in the case of an instrument intended to be used to apply a colour brand - not less than 75 millimetres in height,

when the brand is placed in a horizontal position.

**(2)** A person who constructs a branding instrument that does not comply with the specifications prescribed by this clause, knowing that the instrument is for use on small stock, is guilty of an offence.

Maximum penalty: 5 penalty units.

**Dimensions and positions of registered brand designs for use on small stock**

**124. (1)** For the purposes of section 192 (1) (a) of the Act, the specified dimensions for a registered brand for use in connection with small stock are those specified in clause 123.

**(2)** For the purposes of section 192 (1) (b) of the Act, the specified parts of a small stock animal to which a brand of a registered design may be applied are:

- (a) if a fire brand is to be applied - either horn; or
- (b) if a colour brand is to be applied - the rump, the back, the near shoulder, the near ribs, the off shoulder or the off ribs.

**Dimensions and positions of registered earmarks for use on small stock**

**125. (1)** For the purposes of section 192 (3) (a) of the Act, an earmark of a registered design that is to be applied to a small stock animal must be of the dimensions and one or more of the shapes depicted in Schedule 10 and the ear pliers used to make any such earmark must have cutters of the same dimensions and shape.

**(2)** For the purposes of section 192 (3) (b) of the Act, the specified ear of a small stock animal to which an earmark of a registered design may be applied is the left ear for males and the right ear for females.

**Use of distinctive earmarks on small stock**

**126.** For the purposes of section 193 (2) of the Act, the specified ear of a small stock animal to which a distinctive earmark may be applied is the right ear for males and the left ear for females.

**Certain sheep and goats to be exempt from the requirements of section 188 of the Act**

**127.** For the purposes of section 188 (2) of the Act, stud sheep and stud goats are exempt from the requirements of section 188 (1) of the Act but only if they are registered with a recognised sheep or goat society and are readily identifiable by some other means.

**Notice concerning possession of unlawfully branded or earmarked stock**

**128.** The notice to be given under section 199 (3) of the Act must be in writing.

**Colour brands**

**129.** For the purposes of the definition of "**colour brand**" in section 3 (1) of the Act:

- (a) the prescribed substance with which colour brands may be made is "Si-Ro-Mark" branding fluid, which is a substance registered under Registration Number 121839 with the Commonwealth Patents Trade Marks Design and Copyrights Office; and
- (b) the prescribed colours of the substance referred to in paragraph (a) are purple, red, blue and green.

**Division 3 - Provisions applicable in respect  
of both large and small stock**

**Maximum fee payable when an application deals with 2 or more designs**

**130. (1)** Any person who wishes to have registered two or more of designs of the kinds specified in subclause (2) is, irrespective of any other provision of this Regulation, liable to pay no more than \$50 for the registration of those designs if they are dealt with in the same application or in two or more applications that are lodged at the same time.

**(2)** For the purposes of subclause (1), the following designs are specified:

- (a) a board brand design for use on large stock;
- (b) a symbol brand design for use on large stock;
- (c) an earmark design for use on large stock;
- (d) a brand design for use on small stock;
- (e) an earmark design for use on small stock

**Register of brand and earmark designs**

**131.** The register of brand and earmark designs referred to in section 194 of the Act must contain the following particulars:

- (a) an illustration and other particulars sufficient to identify each brand design and each earmark design recorded in the register;
- (b) the full name and residential address of the proprietor of each such design;
- (c) particulars of registration of any transfer of the design, including particulars of the name and residential address of the person to whom the design is transferred;
- (d) particulars of the registration of any person as the proprietor of the design in consequence of an application made under section 195 (2) of the Act, including particulars of the person's name and residential address.

**Registration of a brand design or earmark design belonging to a deceased registered proprietor**

**132. (1)** For the purposes of section 195 (3) of the Act:



- (a) the specified particulars are as set out in Part 3 of Schedule 6; and
- (b) the specified fee is \$25.

(2) Whenever an application is made in accordance with section 195 of the Act, the registrar must, if satisfied that the applicant or the persons whose behalf the application is made is entitled to be registered as the proprietor of the registered brand design or registered earmark design to which the application relates:

- (a) register the applicant or that person as the proprietor of the design; and
- (b) issue to the applicant or that person a certificate of registration certifying the applicant or that person as the registered proprietor of that design; and
- (c) where the application relates to a symbol brand design - notify the Council of Advice of the registration of the applicant or that person as registered proprietor of the design.

**Annual fee payable by proprietor of registered brand or earmark design who is a not a ratepayer for the district**

**133. (1)** For the purposes of section 196 (1) of the Act, the prescribed date is the date that is 1 month from and including the date on which an account for the annual fee is posted by the board concerned.

(2) For the purposes of section 196 (2) of the Act, the annual fee is an amount determined by the board concerned, but it must not exceed an amount equal to the minimum general rate currently fixed by that board.

**Notice of intention of cancellation of brand or earmark design**

**134.** A district registrar must not cancel the registration of a brand or earmark design in accordance with section 197 of the Act, unless the registrar has given to the person recorded in the register as being the registered proprietor of the design at least 14 days' notice in writing of the registrar's intention to cancel that registration.

## **PART 10 - MISCELLANEOUS PROVISIONS**

### **Qualifications of district veterinarians**

**135.** For the purposes of section 22 (1) of the Act, the prescribed qualification to be held by a district veterinarian is:

- (a) a degree in veterinary science from:
  - (i) the University of Sydney; or
  - (ii) the University of Melbourne; or
  - (iii) the University of Queensland; or
  - (iv) Murdoch University, Western Australia; or
- (b) a diploma from the Royal College of Veterinary Surgeons, England; or
- (c) registration as a veterinary surgeon under the Veterinary Surgeons Act 1986.

### **Information to be included in an annual report to be prepared by the Council of Advice**

**136.** For the purposes of section 52 (4) of the Act, the report to be prepared by the Council of Advice in accordance with section 52 (1) of the Act must include the following information:

- (a) a statement of the purposes for which the boards were established;
- (b) information as to the aims and objectives of boards, the range of services provided by boards and the section of the community served by boards;
- (c) the addresses and telephone numbers of the principal places of administration of boards and the hours during which they are open for business;
- (d) information concerning the management and structure of boards, including:
  - (i) the names of the directors of boards, the terms of office of those directors, the frequency of meetings of boards, and attendances at those meetings, the names of the principal office holders employed by boards and any appropriate qualifications of those office holders; and
  - (ii) organisational charts showing functional responsibilities within boards;

- (e) a summary review of the operations of boards, including:
  - (i) a narrative summary of the significant operations of boards during the financial year concerned; and
  - (ii) selected financial and other quantitative information associated with the administration of programs or operations of boards;
- (f) information relating to economic or other factors affecting the operations of boards and the extent to which those factors have affected the achievement of the operational objectives of boards during the financial year concerned;
- (g) the management and activities of boards, including:
  - (i) a description of the nature and range of activities that boards have undertaken during the financial year concerned; and
  - (ii) where practicable - qualitative and quantitative measures and indicators of performance showing the level of efficiency and effectiveness of boards during that financial year; and
  - (iii) the nature and extent of performance review practices as applied to boards and of improvements in boards' achievements as assessed by both internal and external performance reviews; and
  - (iv) benefits achieved by boards as a result of management and strategy reviews; and
  - (v) a description of management improvement plans adopted by boards and the achievements (if any) of boards in attaining previous objectives; and
  - (vi) a description of the main problems and issues that have arisen in relation to boards and the extent (if any) to which those problems and issues have been resolved; and
  - (vii) details, lists or tables of material works being currently undertaken by boards, the cost of those works to date and the estimated dates of completion, together with particulars of significant cost overruns in major works or programs; and
  - (viii) the reasons for any significant delays to, or amendment, deferment or cancellation of, major works or programs undertaken by boards;

- (h) information relating to human resources of boards, including:
  - (i) the number of employees of boards, by category, with comparison to previous financial years; and
  - (ii) any exceptional movement in wages, salaries or allowances of boards' employees; and
  - (iii) personnel policies and practices of boards; and
  - (iv) industrial relations and policies and practices of boards; and
  - (v) details of the use of external consultants by boards, including, where practicable, the names of the consultants and the projects or programs involved;
- (i) information relating to promotional activities undertaken by boards, including:
  - (i) a statement setting out the types of publications and other information available to the public dealing with the functions and activities of boards and indicating those which have been published by boards during the financial year concerned; and
  - (ii) overseas visits undertaken by directors and employees of boards, with the main purposes highlighted;
- (j) general information concerning complaints by members of the public, indicating any services provided by boards that have been improved or changed as a result of complaints or suggestions made by members of the public;
- (k) the standard times for providing specified services by boards, together with comment on any variance or changes made to the standard;
- (l) a summary of the financial position of boards.

**Transitional provision**

**137. (1)** A form that is in accordance with Form 13 or 13A of the Pastures Protection Regulations may, despite the repeal of those Regulations, be used as a transported stock statement for the purposes of section 89 of the Act instead of Form 3.

**(2)** For the purposes of subclause (1):

- (a) a reference in a form referred to in that subclause to the place of commencement is to be read as a reference to the place of loading stock; and

- (b) a reference in such a form to the place of destination is to be read as a reference to the destination address of the stock concerned; and
  - (c) a reference in such a form to marks is to be read as a reference to earmarks; and
  - (d) a reference in such a form to a permit officer or special permit officer is to be read as a reference to a vehicle driver,
- and each such form is to be read as if the first footnote to the form were omitted.

**SCHEDULE 1 - FORMS**

Form 1

(Cl. 11 (1) (b))

RURAL LANDS PROTECTION ACT 1989

**BALLOT PAPER FOR RURAL LANDS PROTECTION  
BOARD ELECTIONS**

1. When you have completed this ballot paper, place it in an envelope endorsed with the words "Rural Lands Protection Board Ballot Paper - Division [*name of Division of District to be inserted here*]".
2. Then enclose it in another envelope on which you have printed your name and written your signature.
3. Address this other envelope to me at the address shown below.
4. Post or deliver this other envelope to me but make sure that it will be received in my office not later than the polling day, which is [*the date of the polling day to be specified here*].

.....  
(Signature or initials of the  
Returning Officer)

[*Name and address of the Returning Officer to be inserted here*]

**CANDIDATE(S)**

Insert a tick after the name(s) of the candidate(s) for whom you wish to vote. You must vote for not fewer than or more than the following number of candidates [*number of members of the board to be elected to be inserted here*].

Candidate's name	Candidate's address	Indicate your vote by inserting ticks in the box(es) below.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

Note: If you make use of a ballot paper delivered or posted to another person or allow another person to use this ballot paper, you are liable to a penalty of up to 10 penalty units (\$1,000).

Form 2

(Cl. 44)

## RURAL LANDS PROTECTION ACT 1989, SECTION 65

## Notice of Sale or Transfer of Land

To .....

(see footnote)

Notice is hereby given of the sale or transfer of land described below:

City, Municipality or Shire of		Ward or Riding	RURAL LANDS PROTECTION BOARD ASSESSMENT No.
<b>TRANSFEROR</b>			
Surname		Other Names	
New Address		Extent of Estate or Interest in Land Transferred	
<b>TRANSFeree</b> (Please show in BLOCK LETTERS and indicate whether Mr, Mrs or Miss)			
Surname		State whether transferee is owner, lessee, occupier or other	
Other Names			
Address for Service of Notices			
Citizenship		Date of Birth (if aged under 18 years)	
<b>DETAILS OF SALE OR TRANSFER</b>			
Purchase Price (Show amount of consideration for the sale or transfer)		Terms of Payment (If not cash give full particulars)	
Date of Contract of Sale or Agreement		Date of Transfer	
Indicate whether land was sold Place cross <input type="checkbox"/> with vacant possession in <input type="checkbox"/> to the tenant appropriate <input type="checkbox"/> subject to an existing tenancy box		Itemise any goods, plant, furniture, fittings, growing crops, stock, etc. included in sale and state amount of price apportioned to such items or attach copies of valuation of such items or of contract of sale.	
Where only the right to occupy <u>notable</u> land under the Rural Lands Protection Act 1989 is transferred (such as, under a lease) indicate:			
(a) the name of the incoming occupier:			
(b) the address for service of documents on that occupier:			



## DESCRIPTION OF LAND

Street		Side of Street		House No., Unit No., or Name	
Lot or Portion No.	Section	Deposited Plan, Strata Plan, or Estate (if Crown Land)		Lease No. and Type of Holding (if Crown Land)	
Frontage		Depth		Area	
Volume or Book	Folio or No.	District, Town or Village	County	Parish	
Nearest Cross Streets		Nature of Property (Whether Vacant Land, House, Temporary Residence, etc.)			

**NEW SUBDIVISIONS**—Where the lot is part of a new subdivision, details of the land before subdivision are requested as follows:  
(If this information cannot be supplied, please provide a sketch plan on the back of this notice showing the lots concerned, adjoining lots, and nearest cross streets.)

Subdivider's Name		Street		Council's Subdivision No. or Assessment No. or Valuer-General's No.	
Lot or Portion No.	Section	D.P.	Area or Dimensions		

Signature and Address of Transferor or Agent		Signature and Address of Transferee or Agent		Date
				Solicitor's Reference

## FOOTNOTE:

A copy of this notice, duly signed and completed, must be served on the Rural Lands Protection Board in whose district the land is situated.

NOTE: There is a penalty for wilfully incorrect statements in this notice and if any essential statement is omitted the Rural Lands Protection Board concerned may decline to accept it.

*An acknowledgement of the receipt of this notice is requested*

Form 3

(Cl. 63 (2) (a))

## RURAL LANDS PROTECTION ACT 1989, SECTION 88

**Transported Stock Statement****Part 1**

Owner of stock..... Owner's phone no .....

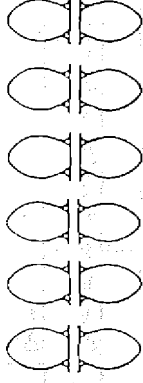
Place of loading stock: .....

Destination address of stock .....

Consigned to (name): .....

Address: .....

**DESCRIPTION OF STOCK**

Type (Tick)	Number	Sex	Breed	Brand	Tail Tag No.	Earmarks
Cattle						
Sheep						
Horses						
Deer						
Goats						
Pigs						

<b>Hormonal Growth Promotant (HGP) Declaration in respect of Cattle moved to Sateyards or Abattoirs.</b>	
With regard to any cattle consigned and referred to in this statement, I declare that:	
• to the best of my knowledge the cattle have not been treated with HGP	<input type="checkbox"/>
or	
• the cattle have been treated with HGP or the HGP status of the cattle is unknown	<input type="checkbox"/>

Part 1 is completed by (Print) ..... 

Owner	Agent	Carrier
-------	-------	---------

Address: ..... Signature: .....

Date: .....

(Please tick appropriate boxes)

**Part 2**

Collection of stock	Delivery of stock
Date:	Date:
Time:	Time:
Vehicle Reg. No.:	Deaths during transit: (Describe stock)
Owner of vehicle (name):	Injuries during transit: (Describe stock)
Vehicle driver (name):	Times stock inspected in transit:
Driver's address:	

I have delivered the above stock ..... (Carrier's signature)

Form 4

(Cl. 69)

## RURAL LANDS PROTECTION ACT 1989, SECTION 92

**Walking Stock Permit**

The stock described in the Schedule below are permitted to walk to the destination, and by the route, specified in that Schedule.

I acknowledge the receipt of \$ \_\_\_\_\_, being the prescribed permit fee.

--	--

(Prescribed Officer's name—BLOCK LETTERS)

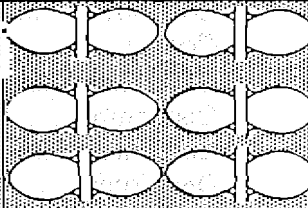
(prescribed Officer's Signature)

Place of issue:

Time of issue:  a.m.  
p.m.

Date of issue:

**SCHEDULE**

No. of Stock	Class and Breed of Stock	Sex	Tail Tag No. ‡	List N.S.W. Reg. Brands, if any	Earmarks
					

Name and address of owner of stock:

Name of person in charge of the stock:

Date of commencement:  Distance to destination:

# Place of commencement:  Rural Lands Protection District

# Place of destination:  Rural Lands Protection District

Route of authorised travel:

Name and address of person to whom the stock are consigned:

# Insert name of place and specify whether holding, saleyards, trucking yards, abattoir, etc.

‡ Tail tag number not required if cattle have travelled from a saleyard.

**SCHEDULE 2 - MINIMUM AREA OF RATABLE LAND**

(Cl 50)

<b>District</b>	<b>Area in hectares</b>
Albury .....	10
Armidale .....	10
B alranald .....	20
Bathurst .....	10
Bega .....	10
Bombala .....	20
Bourke .....	25
Braidwood .....	10
Brewarrina .....	50
Broken Hill .....	400
Canonba .....	10
Carcoar .....	10
Casino .....	10
Cobar .....	400
Condobolin .....	10
Cooma .....	20
Coonabarabran .....	10
Coonamble .....	10
Corowa .....	10
Deniliquin .....	10
Denman-Singleton .....	10
Dubbo .....	10
Forbes .....	10
Glen Innes .....	10
Gloucester .....	10
Goulburn .....	20
Grafton .....	10
Gundagai .....	10
Hay .....	40
Hillston .....	40
Holbrook .....	10
Inverell .....	10
Jerilderie .....	10
Kempsey .....	10

**SCHEDULE 2 - MINIMUM AREA OF RATABLE  
LAND - *continued***

<b>District</b>	<b>Area in hectares</b>
Maitland .....	10
Merriwa .....	10
Milparinka .....	400
Molong.....	10
Moree .....	10
Moss Vale .....	10
Moulamein .....	10
Mudgee .....	10
Narrabri .....	10
Narrandera .....	50
Scone .....	10
Tamworth .....	20
Tenterfield .....	10
Tweed-Lismore .....	10
Urana .....	20
Wagga .....	10
Walgett .....	40
Wanaaring .....	400
Warialda .....	10
Wentworth .....	20
Wilcannia .....	200
Yass .....	10
Young .....	10

**SCHEDULE 3 - SIGNS**

**PART 1 - SIGNS FOR CLOSURE OF RESERVES TO  
CERTAIN USES**

(Cl. 56 (2) (b))

**TRAVELLING STOCK RESERVE**

**CLOSED**

This reserve is closed under section 87 of the  
Rural Lands Protection Act 1989 for use in  
respect of the following activities:

*[Here specify the activities concerned]*

*[OR]*

The following specified part of this reserve is  
closed under section 87 of the Rural Lands  
Protection Act 1989 for use in respect of the  
following activities:

*[Here specify the activities concerned]*

*[Here specify the part of the reserve that is  
closed]*

By order

..... Rural Lands Protection  
(Name) Board

**PART 2 - DISPLAY OF STOCK WARNING SIGNS -  
GENERAL**

(Cl. 83 (5) (b))

Diagram A



Diagram B



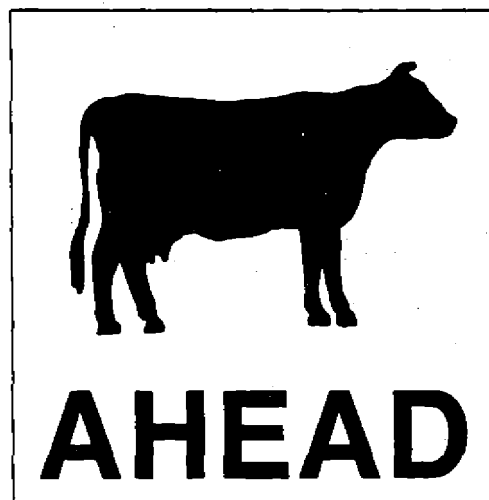
**PART 3 - DISPLAY OF STOCK WARNING SIGNS -  
TEMPORARY GRAZING**

(Cl. 83 (7) (b), 89 (s) (b))

Diagram A



Diagram B





**SCHEDULE 4 - STOCK TRANSPORTED BY VEHICLE**

(Cl. 91 (1) (a))

<b>District</b>	<b>Maximum distance in kilometres</b>
Albury .....	20
Armidale .....	20
Balranald .....	80
Bathurst .....	Unlimited
Bega .....	Unlimited
Bombala .....	Unlimited
Bourke .....	80
Braidwood .....	Unlimited
Brewarrina .....	Unlimited
Broken Hill .....	Unlimited
Canonba .....	80
Carcoar .....	20
Casino .....	Unlimited
Cobar .....	Unlimited
Condobolin .....	20
Cooma .....	Unlimited
Coonabarabran .....	100
Coonamble .....	20
Corowa .....	Unlimited
Denniliquin .....	Unlimited
Denman-Singleton .....	100
Dubbo .....	25
Forbes .....	50
Glen Innes .....	20
Gloucester .....	Unlimited
Goulburn .....	Unlimited
Grafton .....	Unlimited
Gundagai .....	25
Hay .....	20
Hillston .....	Unlimited
Holbrook .....	16
Inverell .....	10
Jerilderie .....	18
Kempsey .....	Unlimited

**SCHEDULE 4 - STOCK TRANSPORTED BY  
VEHICLE - *continued***

<b>District</b>	<b>Maximum distance in kilometres</b>
Maitland .....	Unlimited
Merriwa .....	Unlimited
Milparinka .....	80
Molong .....	Unlimited
Moree .....	Unlimited
Moss Vale .....	30
Moulamein .....	Unlimited
Mudgee .....	Unlimited
Narrabri .....	Unlimited
Narrandera .....	Unlimited
Scone .....	Unlimited
Tamworth .....	Unlimited
Tenterfield.....	20
Tweed-Lismore .....	Unlimited
Urana .....	100
Wagga .....	Unlimited
Walgett:	
Eastern and Central Division .....	20
Western Division .....	80
Wanaaring .....	80
Warialda .....	50
Wentworth .....	10
Wilcannia .....	Unlimited
Yass .....	10
Young .....	Unlimited

**SCHEDULE 5 - FEES AND CHARGES RELATING  
TO THE E IMPOUNDING OF STOCK**

**PART 1 - FEES FOR DRIVING STOCK OR PIGS TO A POUND**

(Cl. 93 (2) (a))

<i>Column 1</i>	<i>Column 2</i>
Description of animals trespassing	Per kilometre
Horses, cattle	(a) for the first animal - 75 cents; (b) for the second animal owned by the same person and impounded at the same time - 50 cents; (c) for each such additional animal - 25 cents.
Every 100 sheep, or any part of that number, owned by the same person and impounded the one time	(a) for the first 100 sheep (or for any number less than 100) - \$1.50; (b) for every 100 sheep or part of that number if the total number impounded exceeds 100 - 75 cents.
Every goat or pig	75 cents

**PART 2 - POUND FEES**

(Cl. 93 (2) (b))

- (a) for recording the impounding of an animal - \$3;
- (b) for recording the release of an animal - \$3;
- (c) for each advertisement which the poundkeeper is required by the Act to publish - the actual cost of advertising and a fee of \$2;

- (d) for each notice served by post - \$2;
- (e) for each notice taken or sent by messenger - 50 cents for each kilometre travelled to and from the destination;
- (f) for a sale of animals that are the property of one owner, or if sold in separate lots, for each lot sold - \$15;
- (g) for the recording of a sale - \$3.

**PART 3 - DETERRENT FEES**

(Cl. 93 (2) (c))

<i>Column 1</i>	<i>Column 2</i>
Description of animals impounded	For animals impounded on a single occasion
Horses, cattle	<ul style="list-style-type: none"> <li>(a) for the first animal - \$15;</li> <li>(b) for the second and each additional animal owned by the same person and impounded on the same occasion - \$10.</li> </ul>
Sheep, goats or pigs owned by the same person impounded on the same occasion	<ul style="list-style-type: none"> <li>(a) if the number of animals impounded is not more than 28 - \$5;</li> <li>(b) if the number of animals impounded is more than 20 but not more than 50 - \$10;</li> <li>(c) if the number of animals impounded is more than 50 but not more than 108 - \$20;</li> <li>(d) if the number of animals impounded is more than 100 - \$10 for each 100 animals or part of that number.</li> </ul>

**SCHEDULE 6 - PARTICULARS TO BE INCLUDED ON  
CERTAIN FORMS**

**PART 1 - APPLICATIONS**

(Cil. 110, 112, 113, 121)

1. The full name and residential address of the applicant.
2. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the applicant keeps stock.
3. A statement as to whether the applicant is applying to be registered as the proprietor of:
  - (a) a board brand design for use on large stock; or
  - (b) a symbol brand design for use on large stock; or
  - (c) an earmark design for use on cattle or deer, or
  - (d) a brand design for use on small stock; or
  - (e) an earmark design for use on small stock
4. If the applicant is applying to be registered as the proprietor of a symbol brand design, a diagram of the design.

**PART 2 - PARTICULARS TO BE INCLUDED ON FORMS FOR  
THE TRANSFER OR APPLICATION OF BRAND AND  
EARMARK DESIGNS**

(Cil. 114, 122)

1. The full name and residential address of the registered proprietor who is proposing to transfer the brand or earmark design concerned.
2. Particulars of the brand or earmark design to be transferred sufficient to identify the design.
3. The full name and residential address of the person to whom the brand or earmark design is to be transferred.
4. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the transferee keeps stock.

**PART 3 - PARTICULARS TO BE INCLUDED ON APPLICATIONS  
FOR REGISTRATION AS THE PROPRIETOR OF A BRAND OR  
EARMARK DESIGN BELONGING TO A DECEASED  
REGISTERED PROPRIETOR**

(Cl. 132)

1. The full name of the executor or administrator who is making the application and the applicant's residential address.
2. A statement as to whether the applicant is the executor or administrator of the deceased's estate and whether the applicant is applying to be personally registered as the proprietor of the brand or earmark design or applying for the person beneficially entitled to the design to be registered as the proprietor of the design.
3. The deceased registered proprietor's full name and residential address.
4. Date of the deceased registered proprietor's death.
5. Particulars of the brand or earmark design belonging to the deceased registered proprietor sufficient to identify the design.
6. The name and full residential address of the beneficiary entitled to ownership of the brand or earmark design on the death of the registered proprietor.
7. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the beneficiary keeps stock.

**SCHEDULE 7 - CHARACTERS TO BE USED IN BOARD  
BRAND DESIGNS TO IDENTIFY THE RELEVANT  
RURAL LANDS PROTECTION DISTRICT**

(Cl. 111 (1) (a))

Rural lands protection district names	Identifying character	Pastures protection district names	Identifying character
Albury	<u>A</u>	Hay	<u>H</u>
Armidale	<u>A</u>	Hillston	<u>1</u>
Balranald	<u>3</u>	Hume	<u>H</u>
Bathurst	<u>4</u>	Inverell	<u>3</u>
Bega	<u>E</u>	Jerilderie	<u>J</u>
Bombala	<u>B</u>	Kempsey	<u>K</u> (then <u>K</u> )
Bourke	<u>B</u>	Maitland	<u>M</u> (then <u>M</u> )
Braidwood	<u>8</u>	Merriwa	<u>R</u>
Brewarrina	<u>V</u>	Milparinnka	<u>P</u>
Broken Hill	<u>O</u>	Molong	<u>X</u>
Canonba	<u>E</u>	Moree	<u>L</u>
Carcoar	<u>1</u>	Moss Vale	<u>V</u>
			(then <u>V</u> , <u>7</u> and <u>7</u> )
Casino	<u>2</u>	Moulamein	<u>P</u>
Cobar	<u>4</u>	Mudgee	<u>Z</u> (then <u>Z</u> )
Condobolin	<u>C</u>	Narrabri	<u>N</u>
Cooma	<u>O</u>	Narrandera	<u>N</u>
Coonabarabran	<u>C</u>	Scone	<u>U</u>
Coonamble	<u>5</u>	Tamworth	<u>T</u>
Corowa	<u>8</u>	Tenterfield	<u>I</u>
Deniliquin	<u>D</u>	Tweed-Lismore	<u>L</u> (then <u>L</u> )
Denman-Singleton	<u>S</u>	Urana	<u>U</u>
Dubbo	<u>D</u>	Wagga	<u>5</u>
Forks	<u>F</u>	Walgett	<u>W</u>
Glen Innes	<u>F</u>	Wanaaring	<u>J</u>
Gloucester	<u>6</u> (then <u>6</u> )	Wanalda	<u>W</u>
Goulburn	<u>G</u>	Wentworth	<u>2</u>
Gundagai	<u>7</u>	Wilcannia	<u>X</u>
Grafton	<u>G</u>	Yass	<u>Y</u>
		Young	<u>+</u>

### SCHEDULE 8 - CHARACTERS TO BE USED IN BOARD BRAND DESIGNS TO IDENTIFY PROPRIETORS

(Cl. 111 (1) (b))

SERIES	Description and arrangement of characters that follow the rural lands protection district identifying character	BRAND CHARACTERS	EXAMPLE: (A brand consists of 3 characters, the first of which identifies the relevant rural lands protection district)
1	The characters must be positioned so that, when the brand is applied, the second and third characters stand upright.	<p>Second and third characters – The following characters are available:</p> <p><b>A B C D E</b>  <b>F G H J K</b>  <b>L M N O P</b>  <b>R S T U V</b>  <b>W X Y Z 1</b>  <b>2 3 4 5 6</b>  <b>7 8 9</b></p>	<b>4 K L</b>
2	The characters must be positioned so that, when the brand is applied, the second character falls horizontally to the right and the third character stands upright.	<p>Second character – The following characters are available:</p> <p><b>A B C D E</b>  <b>F G H J K</b>  <b>L M N P R S</b>  <b>T U V Y Z 1</b>  <b>2 3 4 5 6</b>  <b>7 8</b></p> <p>Third character – The characters available are the same as those available for series 1.</p>	<b>4 X L</b>
3	The characters must be positioned so that, when the brand is applied, the second character falls horizontally to the left and the third character stands upright.	<p>Second character – The following characters are available:</p> <p><b>A B C D E</b>  <b>F G J K L</b>  <b>M P R T U</b>  <b>V Y Z 3 4</b>  <b>5 6 7 8 9</b></p> <p>Third character – The characters available are the same as those available for series 1.</p>	<b>4 X L</b>



## 1990 - No. 335

SERIES	Description and arrangement of characters that follow the rural lands protection district identifying character	BRAND CHARACTERS	EXAMPLE: (A brand consists of 3 characters, the first of which identifies the relevant rural lands protection district)
4	The character must be positioned so that, when the brand is applied, the second character stands upright and the third character falls horizontally to the right.	<p>Second character – The characters available are the same as those available for series 1.</p> <p>Third character – The characters available are the same as those available for the second character of series 2.</p>	4 K L
5	The characters must be positioned so that, when the brand is applied, the second character stands upright and the third character falls horizontally to the left	<p>Second character – The characters available are the same as those available for series 1.</p> <p>Third character – The characters available are the same as those available for the second character of series 3</p>	4 K J
6	The characters must be positioned so that, when the brand is applied, the second and third characters fall horizontally to the right.	<p>Second and third characters – The following characters are available:</p> <p>A B C D E</p> <p>F G H I K</p> <p>L M N P R S</p> <p>T U V A Y I</p> <p>2 3 4 5 9</p> <p>7 8</p>	4 X L
7	The characters must be positioned so that, when the brand is applied, the and third characters fall horizontally to the left.	<p>Second and third characters – The following characters are available:</p> <p>A B C D E</p> <p>F G J K L</p> <p>M P R T U</p> <p>V Y 2 3 4</p> <p>5 6 7 8 9</p>	4 K J

**SCHEDULE 9 - PARTS OF LARGE STOCK ANIMALS ON  
WHICH REGISTERED BRAND DESIGNS MAY BE PLACED**

(Cl. 117)

**Application to horses of registered brand designs**

1. (1) The parts of a horse on which a registered brand design may be placed are as follow:

- (a) the left shoulder;
- (b) the right shoulder;
- (c) the left thigh;
- (d) the right thigh;
- (e) the right neck

(2) A registered brand design that is to be applied to a horse must be applied in the order set out in subclause (1) so that the first such design appears on the left shoulder of the horse, the second appers on the right shoulder and so on.

**Application to cattle of registered brand designs**

2. (1) The parts of cattle which a registered brand design may be placed are as follows:

- (a) the left rump;
- (b) the right rump;
- (c) the left thigh;
- (d) the right thigh.

(2) The first registered brand design to be applied to cattle must be applied to the left rump of the animal but subsequent registered brand designs may be applied to any part mentioned in subclause (1) (b), (c) or (d) so long as no other brand design (whether registered or not) appears on that part.

**Application to cattle and deer of registered brand designs in the form of ear tattoos**

3. If it is prosed to apply to cattle or deer a registered brand design in the form of an ear tattoo, then, whether the animal is male or female, the part of the animal to which the design may be applied is the left ear.

**SCHEDULE 10 - NAMES, SHAPES AND SIZES OF EARMARK DESIGNS**

(Cl. 125 (1))

Name of Mark	No	Shape of Mark	Sheep, Goats and Deer		Cattle	
			Length not exceeding mm	Width not exceeding mm	Length not exceeding mm	Width not exceeding mm
SERIES 1						
The A	1		20	13	35	35
The anchor	2		20	20	35	35
The B	3		16	13	35	25
The bayonet	4		26	20	40	40
The bayonet and slit	5		32	20	40	40
The bolt	6		20	10	40	20
The boot	7		20	13	35	25
The broad arrow	8		26	16	40	40
The C	9		20	13	35	30
The capstan	10		20	20	35	35
The castle	11		13	13	35	35
The club	12		20	13	40	30
The club and slit	13		26	13	45	35
The comma	14		20	13	35	35
The compass	15		20	20	35	45
The cottage loaf	16		20	16	35	30

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Name of Mark	No	Shape of Mark	Sheep, Goats and Deer		Cattle	
			Length not exceeding mm	Width not exceeding mm	Length not exceeding mm	Width not exceeding mm
The crank	17		20	13	40	25
The cricket bat	18		32	13.	40	25
The cross	19		20	16	40	30
The crotchet	20		20	10	35	30
The D	21		16	13	35	30
The diamond	22		16	13	35	30
The diamond and slit	23		23	13	40	30
The diamond and slits	24		20	20	45	45
The double L	25		20	13	35	35
The double U	26		16	13	40	40
The dumb-bell	21		20	10	40	20
The E	28		20	13	35	25
The F	29		20	13	35	25
The fish hook	30		20	13	35	25
The flag	31		26	10	35	25
The fork	32		20	13	35	30
The fork and double L	33		20	16	45	35
The fork and holes	34		23	20	45	35
The fork and note	35		23	13	45	30
The fork and slit	36		16	13	40	30





















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Name of Mark	No.	Shape of Mark	Sheep, Goats and Deer		Cattle	
			Length not exceeding mm	Width not exceeding mm	Length not exceeding mm	Width not exceeding mm
The fork and slit	37		16	13	40	30
The G	38		20	13	10	30
The gourd	39		20	16	35	25
The H	40		20	13	35	25
The script	41		20	13	35	30
The half circle	42		16	7	35	25
The half cleaver	43		16	13	35	35
The half halfpenny	44		16	10	35	25
The half halfpenny and fork	45		16	16	35	35
The half halfpenny and slit	46		16	16	35	35
The halfpenny and swallowtail	47		16	16	35	35
The hat	48		20	13	40	25
The hat and T	49		20	20	45	35
The heart	50		13	13	35	35
The hole	51		13	13	20	20
The holes conjoined	52		20	13	40	20
The hole and slits	53		23	13	40	25
The J	54		20	13	35	25
The K	55		20	13	35	35
The L	56		20	13	35	30



















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Name of Mark	No.	Shape of Mark	Sheep Goats and Deer		Cattle	
			Length not exceeding mm	Width not exceeding mm	Length not exceeding mm	Width not exceeding mm
The L and slit	57		20	16	35	35
The Lion	58		16	13	35	35
The M	59		16	16	40	35
The M inverted	60		16	13	40	35
The mushroom	61		16	13	35	30
The N	62		16	13	35	35
The N (centre)	63		20	13	35	35
The notch	64		16	10	40	30
The note	65		20	13	40	20
The notes conjoined	66		26	13	45	20
The note and slit	67		23	13	40	20
The note and slits	68		26	20	35	35
The oblong	69		16	10	35	25
The oval	70		16	10	35	20
The oval and slit	71		23	10	45	20
The P	72		20	13	35	30
The parallelogram	73		20	7	45	25
The parallelogram and slits	74		20	13	35	45
The pick	75		20	16	35	40
The pointed fork	76		20	13	35	35

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Name of Mark	No.	Shape of Mark	Sheep, Goats and Deer		Cattle	
			Length not exceeding mm	Width not exceeding mm	Length not exceeding mm	Width not exceeding mm
The primose	77		16	16	45	45
The rowlock	78		16	13	40	35
The S	79		20	13	35	30
The saw frame	80		16	13	40	35
The scalene	81		20	13	55	35
The shear handles	82		20	20	40	40
The shears	83		16	13	35	35
The slash	84		26	4	40	6
The (centre) slash	85		20	4	35	6
The (round) slash	86		23	4	40	6
The slit	87		20	4	35	6
The (long) slit	88		39	4	50	6
The (extra long slit)	89		64	5	65	6
The spanner	90		16	13	35	35
The spur	91		20	13	35	30
The square	92		13	13	20	20
The stamp	93		13	13	35	35
The star	94		20	20	40	40
The star (curved)	95		20	20	45	45
The swallowtail	96		16	13	35	35

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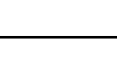
Name of Mark	No	Shape of Mark	Sheep, Goats and Deer		Cattle	
			Length not exceeding mm	Width not exceeding mm	Length not exceeding mm	Width not exceeding mm
The swallowtail and hole	97		16	13	40	35
The swallowtail and L	98		26	13	45	35
The swallowtail and note	99		23	13	45	35
The swallowtail and slit	100		20	16	40	35
The T	101		13	13	40	35
The T (sloping)	102		16	13	40	35
The thistle	103		16	13	35	35
The tongs	104		20	13	40	35
The trapezoid	105		23	10	40	25
The triangle	106		16	13	35	35
The mangle and fork	107		20	13	40	35
The triangle and slit	108		20	13	40	35
The triangle and slit	109		20	13	40	35
The triangle and swallowtail	110		16	13	35	35
The U	111		16	13	35	35
The U inverted	112		20	13	35	35
The U inverted (sloping)	113		20	13	35	35
The U and note	114		23	13	40	35



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Name of Mark	No	Shape of Mark	Sheep, Goats and Deer		Cattle	
			Length not exceeding mm	Width not exceeding mm	Length not exceeding mm	Width not exceeding mm
The V	115		16	16	35	35
The V and slits	116		20	16	45	35
The V and slits	117		20	16	40	35
The V and swallowtails	118		20	16	40	35
The W	119		20	20	35	35
The W inverted	120		23	13	40	34
The W and slit	121		26	13	45	35
The wine glass	122		20	13	40	35
The Y	123		16	13	35	35
The 3	124		20	13	40	35
The 6	125		20	13	40	35
<b>SERIES 2</b>						
The D	126		16	12	35	20
The reverse D	127		16	12	35	20
The diamond and hole	128		23	12	44	30
The E	129		20	12	40	25
The reverse E	130		20	12	40	25
The fork and double swallowtail	131		20	16	40	30
The fork and hole	132		20	20	40	35

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Name of Mark	No.	Shape of Mark	Sheep, Goats and Deer		Cattle	
			Length not exceeding mm	Width not exceeding mm	Length not exceeding mm	Width not exceeding mm
The fork and hole	133		20	20	40	35
The inverted half halfpenny	134		12	16	30	10
The R	135		16	12	35	30
The reverse R	136		16	12	35	30
The swallowtail and half halfpenny	137		16	12	40	30
The swallowtail and triangle	138		16	12	40	30
The tapered fork	139		20	12	40	30
The mangle and double swallowtail	140		20	16	40	30
The triangle and slit	141		20	12	35	30
The trident	142		16	16	35	35
The wedge	143		16	12	40	30
The wedge	144		16	12	40	30
The Z	145		20	16	40	30
The reverse Z	146		20	16	40	30

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### **EXPLANATORY NOTE**

The object of this Regulation is to supplement the provisions of the Rural Lands Protection Act 1990. The Regulation contains provisions dealing with the following matters:

- (a) the election of directors of rural lands protection boards (Part 2, Division 1);
- (b) the proceedings of rural lands protection boards (Part 2, Division 2);
- (c) requirements relating to the financial accounts of rural lands protection boards and the auditing of those accounts (Part 2, Division 3);

- (d) the duties and obligations of "prescribed officers" of rural lands protection boards (such as rangers and permit officers) (Part 2, Division 4);
  - (e) the levying and payment of general rates and animal health rates (Part 3);
  - (f) the regulation of travelling stock reserves and of stock transported over public roads and travelling stock reserves (Part 4);
  - (g) the impounding of abandoned or trespassing stock (Part 5);
  - (h) the suppression and destruction of noxious animals (such as rabbits) and regulating the keeping of noxious animals that persons are permitted to keep under the Act (Part 6);
  - (i) the suppression and destruction of noxious insects (such as Australian plague locusts) (Part 7);
  - (j) the making and determination of claims for contributions towards meeting the cost of erecting rabbit proof, dog proof and marsupial proof fences or making existing fences rabbit proof, dog proof or marsupial proof and the contributions towards meeting the cost of maintaining or repairing those fences (Part 8);
  - (k) the identification of stock, including the registration of brand and earmark designs for use on large stock (such as cattle) and small stock (such as sheep) (Part 9);
  - (l) other matters including the qualifications of district veterinarians and the information to be included in an annual report to be prepared by the Council of Advice.
-