

1995—No. 484

**GOOGONG DAM CATCHMENT AREA ACT 1975—
REGULATION**

(Googong Dam Catchment Area Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Googong Dam Catchment Area Act 1975, has been pleased to make the Regulation set forth hereunder.

KIM YEADON, MP.,
Minister for Land and Water Conservation.

Citation

1. This Regulation may be cited as the Googong Dam Catchment Area Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“animal” includes bird;

“inspector” means an inspector appointed by the Ministerial Corporation under clause 11;

“Ministerial Corporation” means the Water Administration Ministerial Corporation constituted by section 7 of the Water Administration Act 1986;

“the Act” means the Googong Dam Catchment Area Act 1975;

“**top water level mark**” of the Googong Dam means the perimeter of the surface of the water in the Dam when the Dam is full;

“**vacant Crown land**” means land that is owned by the Crown and that is not lawfully occupied by any person other than the Crown.

Keeping of livestock

4. (1) The Ministerial Corporation may, by notice in writing, require any person who keeps any livestock on land within the catchment area to confine the livestock in a suitable enclosure within the time specified in the notice.

(2) The Ministerial Corporation may, in the notice, specify the nature and size of the enclosure and its location within the catchment area, and the degree and circumstances of the confinement.

(3) The Ministerial Corporation may, by notice in writing, require:

- (a) any person who is keeping a pig on land within the area to remove the pig from the area within the time specified in the notice and to dismantle any structure used to keep the pig in the area within the time specified in the notice; or
- (b) any person who has kept a pig on land within the area to dismantle any structure used to keep the pig in the area within the time specified in the notice.

(4) A person on whom such a notice is served must not contravene the requirements of the notice.

Maximum penalty: 2 penalty units.

Stray livestock

5. (1) A person must not allow livestock under the person’s care or control to be on vacant Crown land within the catchment area.

Maximum penalty: 2 penalty units.

(2) An inspector may remove or impound any livestock that is on vacant Crown land in contravention of this clause.

Disposal of dead animals

6. (1) A person must not bring a dead animal or part of a dead animal onto any land within the catchment area.

Maximum penalty: 2 penalty units.

(2) A person who kills an animal within the catchment area must, within 48 hours of killing it, dispose of it in accordance with subclause (4).

Maximum penalty: 2 penalty units.

(3) An occupier of land within the catchment area must, within 48 hours of becoming aware that there is a dead animal or part of a dead animal on that land, dispose of it in accordance with subclause (4).

Maximum penalty: 2 penalty units.

(4) A dead animal or part of a dead animal is to be disposed of by:

- (a) removing it from the catchment area; or
- (b) burning it; or
- (c) burying it at least 500 millimetres below the surface of the earth and at least 500 metres from the top water level mark of the Googong Dam and 50 metres from any watercourse.

(5) This clause does not apply to anything that is used or intended for use as food and is hygienically stored.

Destruction of trees and shrubs

7. A person must not destroy, cut down or remove any tree, shrub, herbage or other vegetative cover on vacant Crown land within the catchment area unless the person:

- (a) is permitted or required to do so by or under any Act or law; or
- (b) has written permission to do so from the Ministerial Corporation.

Maximum penalty: 2 penalty units.

Litter

8. (1) A person must not deposit any litter within the catchment area otherwise than in a receptacle provided for that purpose.

Maximum penalty: 2 penalty units.

(2) A person must not dispose of any litter within the catchment area otherwise than by:

- (a) removing it from the catchment area; or
- (b) burning it; or
- (c) burying it at least 500 millimetres below the surface of the earth and at least 500 metres from the top water level mark of the Googong Dam and 50 metres from any watercourse.

Maximum penalty: 2 penalty units.

Workman's camps

9. (1) A person must not establish or maintain a workmen's camp within the catchment area otherwise than with the written permission of the Ministerial Corporation.

Maximum penalty: 2 penalty units.

(2) Such permission is subject to the following conditions:

- (a) the camp must be kept in a clean and sanitary condition;
- (b) there must be provided and maintained for the use of all persons at the camp clean, proper and convenient washing, toilet, laundry and garbage disposal facilities;
- (c) written notice must be given to the Director-General of the Department of Health of the outbreak within the camp of any infectious disease (that is, any Category 2 or Category 3 medical condition specified in Schedule 1 to the Public Health Act 1991);
- (d) any other condition imposed by the Ministerial Corporation when granting the permission.

Signs and boundary marks

10. (1) The Ministerial Corporation may, within the catchment area, erect a sign to indicate the boundaries of that area or to direct attention to any law in force in that area or in any portion of it.

(2) A person must not remove, displace, deface, damage or obliterate a sign erected under this clause.

Maximum penalty: 2 penalty units.

Inspectors

11. (1) The Ministerial Corporation may appoint inspectors for the purposes of this Regulation.

(2) An inspector may, at any reasonable time, enter land or buildings (other than dwelling-houses), within the catchment area, for the purpose of ascertaining whether this Regulation is being complied with.

(3) The exercise by an inspector of a power under this Regulation is subject to the following requirements:

- (a) the inspector must give reasonable notice of the inspector's intention to enter the land or building;
- (b) the inspector must enter the land or building at a reasonable time during daylight hours, except in the case of an emergency;

- (c) the inspector must use no more force than is reasonably necessary in entering the land or building;
- (d) the inspector must show the inspector's authority to enter the land or building if asked to do so by any person who appears to be the owner or lawful occupier of the land or building.

(4) An inspector's authority must contain the following information:

- (a) a reference to the fact that the authority is issued under this clause;
- (b) the name of the inspector to whom the authority relates;
- (c) the powers conferred on the inspector by this Regulation;
- (d) a statement that those powers may not be exercised in relation to a dwelling-house;
- (e) a statement that the authority has been issued by the Ministerial Corporation.

(5) If an inspector causes damage in the exercise of a power under this Regulation, the Ministerial Corporation must pay reasonable compensation to the owner or lawful occupier of the land or building, unless the damage arose as a consequence of the inspector being obstructed in the exercise of the power.

(6) Nothing in this clause prevents an inspector from entering any land or building with the consent of its owner or lawful occupier.

Obstruction of inspectors

12. A person must not wilfully obstruct an inspector who is acting in accordance with this Regulation.

Maximum penalty: 2 penalty units.

Repeal

13. (1) The Googong Dam Catchment Area Regulation 1979 is repealed.

(2) Any act, matter or thing that had effect under the Googong Dam Catchment Area Regulation 1979, immediately before its repeal, is taken to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the Googong Dam Catchment Area Regulation 1979. The new Regulation deals with the following matters:

- (a) the keeping of livestock and the prevention of straying livestock (clauses 4 and 5);
- (b) the disposal of dead animals (clause 6);
- (c) the destruction of trees and shrubs (clause 9);
- (d) littering (clause 8);
- (e) workmen's camps (clause 9);
- (f) the erection of signs and boundary marks (clause 10);
- (g) the appointment of inspectors and their powers of inspection (clause 11);
- (h) the obstruction of inspectors (clause 12);
- (i) other formal matters (clauses 1, 2, 3 and 13).

This Regulation is made under the Googong Dam Catchment Area Act 1975, including section 5 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
