

PASTURES PROTECTION (RATES) AMENDMENT ACT 1985
No. 170

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 170, 1985

An Act to amend the Pastures Protection Act 1934 so as to establish a new system of rating under that Act; and for other purposes. [Assented to, 3rd December, 1985.]

See also Meat Industry (Amendment) Act 1985; Noxious Insects (Amendment) Act 1985; Local Government (Pastures Protection) Amendment Act 1985; Prickly-pear (Amendment) Act 1985.

Pastures Protection (Rates) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Pastures Protection (Rates) Amendment Act 1985".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsections (1) and (3), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The day appointed and notified under subsection (2) in respect of Schedule 1 (3) shall not be earlier than the date of assent to the Pastures Protection (Amendment) Act 1985.

Principal Act

3. The Pastures Protection Act 1934 is referred to in this Act as the Principal Act.

Schedules

4. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO RATES

SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE
PRINCIPAL ACT

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

Amendment of Act No. 35, 1934

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Pastures Protection (Rates) Amendment 1985

Savings and transitional provisions

6. Schedule 3 has effect.
-

SCHEDULE 1

(Sec. 5)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES

- (1) (a) Section 4, definition of "Animal health rate"—
 Before the definition of "Board", insert:
 "Animal health rate" means a rate levied by a board under section 25 (2).
- (b) Section 4, definition of "General rate"—
 After the definition of "Fire brand", insert:
 "General rate" means a rate levied by a board under section 25 (1).
- (c) Section 4, definitions of "Ratable land", "Rate"—
 After the definition of "Ranger", insert:
 "Ratable land", in relation to a district, means an area of land within a district that is the whole or part of a holding and—
- (a) has an area that is not less than the area prescribed in relation to that district for the purpose of this definition; or
- (b) in any other case—has a carrying capacity of not less than 50 stock unit equivalents.
- "Rate" includes a general rate, an animal health rate and any other rate (other than a rate imposed under section 43) levied under this Act.
- (d) Section 4, definition of "Stock"—
 After "sheep", insert ", deer".
- (e) Section 4, definition of "Year"—
 After the definition of "Working large stock", insert:

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

“Year” means a year commencing on 1 January.

(2) Section 19 (2) (a)—

After “functions under this or any other Act”, insert “, the payment of refunds under section 30”.

(3) Part III—

Omit the Part, insert instead:

PART III

RATES

DIVISION 1—*Levying of rates*

General and animal health rates

25. (1) The board for a district shall in each year make and levy a general rate on the occupiers of all ratable land within the district.

(2) The board for a district shall, in addition to the general rate, in each year make and levy an animal health rate on the occupiers of all ratable land within the district on which there were, on 30 June of the last preceding year, not less than 50 stock unit equivalents (or not less than such other number of stock unit equivalents as may be prescribed for the district) comprised of stock that were not less than 6 months of age or pigs of any age, or both.

(3) With the approval of the Minister the board for a district may in each year fix a minimum total amount to be paid in respect of the total of the general rate and animal health rate or rates, if any, payable by an occupier of ratable land within the district.

(4) The general rate and animal health rate shall be made by resolution of a board not later than the prescribed date in each year and shall be levied by service of a rate notice.

(5) A rate notice under this section shall be issued within the prescribed time after the making of the rate.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

Amount of general and animal health rates

26. (1) The amount of the general rate and the animal health rate made and levied in each year by a board shall be calculated by the board according to the carrying capacity of the ratable land concerned as last assessed by the board.

(2) Where ratable land does not have a carrying capacity, the amount of the general rate payable in respect of the land is the minimum total amount fixed by the board under section 25 (3), or if no such minimum amount is fixed, the general rate payable in respect of ratable land having a carrying capacity of 50 stock unit equivalents.

(3) Where the amount of the total of the general rate and animal health rate or rates, if any, payable in respect of ratable land within a district calculated in accordance with subsection (1) is less than the minimum total amount, if any, fixed by the board for the district under section 25 (3), the amount of the general rate and animal health rate or rates, if any, payable in respect of that land shall be the minimum total amount fixed by the board.

Assessment of carrying capacity

27. (1) Subject to this Part, for the purposes of this Act—

(a) stock unit equivalents shall be assessed by a board by reference (except in the case of pigs) to dry stock equivalents determined by the board and shall be calculated as follows:

1 dry sheep equivalent represents 1 stock unit equivalent

1 dry goat equivalent represents 1 stock unit equivalent

1 dry deer equivalent represents 1 stock unit equivalent

1 dry large stock equivalent represents 10 stock unit equivalents

1 pig represents 1 stock unit equivalent; and

*Pastures Protection (Rates) Amendment 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(b) a reference to the carrying capacity of land as assessed by the board for the district within which the land is situated is a reference to the number of stock unit equivalents which, as last assessed by the board, could be depastured or otherwise maintained on the land in an average season under management practices considered by the board to be usual for the district.

(2) Except to the extent that section 28 otherwise provides, or the Minister otherwise determines, in making an assessment of the carrying capacity of land—

(a) a board shall not have regard to the presence of noxious plants or animals on the land;

(b) a board shall make its assessment irrespective of the use of the land as at the date of the assessment;

(c) a board shall make its assessment as if the raising of stock were the only productive use of the land;

(d) in the case of land which remains in or is reverting to its original undeveloped state—a board shall base its assessment on the condition of the land as at the date of the assessment; and

(e) a board may have regard to any other matter which it considers to be relevant to its assessment.

(3) A board may assess the carrying capacity of land at any time but shall not fail to make another assessment within 5 years of the date of the making of the last preceding assessment.

(4) Any person authorised by a board may enter and remain on any land at any time, and may take all necessary steps, for the purpose of enabling the board to make an assessment of the carrying capacity of the land.

Intensive animal production—special provisions

28. (1) In this section—

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

“feedlot” means an area of land that is, or is within, ratable land and is determined by the board for a district to be a feedlot for the purposes of this section;

“intensive piggery” means an area of land that is, or is within, ratable land and is determined by the board for a district to be an intensive piggery for the purposes of this section.

(2) An occupier of an area of land determined by a board to be a feedlot or an intensive piggery on which there were, on 30 June of the last preceding year, not less than 50 stock unit equivalents (or not less than such other number of stock unit equivalents as may be prescribed for the district within which the land is situated) comprised of stock that were not less than 6 months of age or pigs of any age, or both, shall be liable to pay an animal health rate, made during the next succeeding year in respect of that area of land.

(3) In making an assessment of the carrying capacity of a feedlot or an intensive piggery, a board shall have regard—

- (a) to the nature of the holding concerned;
- (b) to any improvements and equipment used for the purpose of the feedlot or intensive piggery, as the case may be;
- (c) to the manner in which the holding has been worked; and
- (d) to any other matter which it considers to be relevant to its assessment.

(4) Where a board has determined that a part of a holding of ratable land is a feedlot or an intensive piggery in respect of which an animal health rate is payable, the board shall not have regard to the land comprising the feedlot or piggery in calculating whether the general rate or another animal health rate is payable, or the amount of any rate payable, in respect of the remainder of the holding.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

Returns of land and stock

29. (1) Not later than the prescribed date in each year every occupier of land and every owner of stock shall, unless exempted by the regulations, furnish to the secretary of the board for the district within which the land is situated a return in or to the effect of the prescribed form of the land and all stock on the land, stock travelling to or from the land and stock on agistment as at 30 June in that year and any prescribed matters.

(2) Any return purporting to be a return under subsection (1) and to be made or signed by or on behalf of any person shall be deemed to be a return under that subsection duly made and signed by that person until the contrary is proved.

(3) Any person who—

- (a) being liable to furnish a return fails to do so on or before the prescribed date; or
- (b) furnishes a return containing any incorrect or misleading information,

is guilty of an offence and liable to a penalty not exceeding \$1,000.

(4) Proceedings in respect of any offence under this section may, notwithstanding any limit of time prescribed by any Act for instituting proceedings, be commenced at any time within a period of 2 years after the commission of the offence.

(5) Where an occupier of land or owner of stock fails to furnish a return of land and stock in accordance with this section, a board shall, notwithstanding any other provision of this Act, levy on the occupier or owner both the general rate and the animal health rate and may issue a rate notice in respect of those rates at any time.

(6) For the purposes of subsection (5), the amount of the general rate and the animal health rate shall be such amount as is determined by the board to be appropriate.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(7) A person's liability for rates shall not be affected by the fact that a rate notice issued under this section has not been served on the person within the year in which the rate is made or levied.

(8) In this section, "stock" includes pigs.

Sureties payable by certain holders of Crown land

30. (1) In this section—

"short tenure", in relation to land, means a lease or license of the land from the Crown for a term not exceeding 3 years.

(2) Notwithstanding the provisions of any other Act, a person shall not take land on a short tenure unless the person has lodged a surety, in such amount and form as the board considers appropriate, with the board for the district within which the land is situated.

Penalty: \$1,000.

(3) On receipt of a surety paid under this section, a board shall issue a receipt in or to the effect of the prescribed form.

(4) Without affecting the generality of subsection (2), the amount of the surety may be equal to the total amount of the rates which were payable or would have been payable in respect of the land concerned if the land had not been Crown land in the rating year last preceding the payment of the surety.

(5) At the end of the term of a short tenure of land—

(a) an amount equal to any unpaid rates, charges, interest or any other amount owed to a board under this Act shall be forfeited to the board from the surety lodged in respect of that short tenure under this section;

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

- (b) an amount equal to the proportion of the total of any rates which, had the land not been Crown land, would have accrued in the year in which the short tenure commenced in respect of the period from that commencement to the end of that year or the end of the term of the short tenure, whichever first occurred, shall be payable and forfeited to the board from the surety; and
- (c) the balance, if any, of the surety shall be refunded by the board to the person who lodged the surety.
- (6) In calculating the amount to be forfeited under subsection (5), a board shall deduct an amount equal to the proportion of the total of any rates payable in the year in which the short tenure ends in respect of the period from the end of that term to the end of the year.
- (7) Where the amount owed to a board at the end of the term of a short tenure of land exceeds the amount of the surety, the whole of the surety shall be forfeited to the board.
- (8) Except as provided by subsections (5) and (6), nothing in this section—
 - (a) affects the liability of any person to pay rates under this Act; or
 - (b) affects a board's right to recover rates under this Act.

Irregularity

31. If for any reason any rate is not made or rate notices are not issued within the time prescribed under this Act, or if any irregularity in making or levying the rate affects, or may be considered to affect, the validity of any rate, the Minister may extend the time for the making of the rate or the issue of rate notices, as the case may be, and may authorise the doing by a board of such acts as may be necessary to cure the irregularity, and to validate the rate.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

DIVISION 2—*Liability for rates*

Liability—generally

32. (1) Every rate shall be due and payable to and recoverable by a board after the expiration of 31 days after service of the rate notice.

(2) The occupier of ratable land shall be primarily liable for payment of a rate payable in respect of that land.

(3) Two or more occupiers of ratable land within a district who hold jointly or in common shall be jointly and severally liable to the board for the district for a rate payable in respect of the land, but as between themselves each shall be liable only for such part of the rate as is proportionate to the occupier's interest in the land.

(4) An occupier referred to in subsection (3) who pays to the board more than the occupier's proportionate part of a rate, may recover the amount of the excess by way of contribution from the other occupier or occupiers, as the case may be.

(5) Where the name of an occupier liable to pay a rate is not known to a board, it shall be sufficient to rate the occupier by the designation of "occupier" without stating the occupier's name.

(6) Where the whole or part of a rate is unpaid after the expiration of 12 months after the date on which it became due and payable to and recoverable by a board, the owner of the land in respect of which the rate is payable shall be liable for payment of the unpaid rate and any interest or any other charges payable in respect of the rate.

(7) An owner referred to in subsection (6) who pays the whole or part of an unpaid rate or any interest or charges payable in respect of the rate may recover the amount paid from the occupier of the land concerned.

(8) Nothing in subsection (6) affects an occupier's liability for payment of a rate.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(9) Subsection (6) does not apply to land the subject of a lease, license or purchase from the Crown.

(10) Subsections (3) and (4) apply to 2 or more owners of ratable land liable for payment of an unpaid rate under subsection (6) as if a reference in subsections (3) and (4) to an occupier or occupiers were a reference to those owners.

Liability where an estate or interest is transferred

33. (1) Where a person ceases to be the occupier or owner of any land in respect of which a rate is payable to a board, the person shall continue to be liable to the board for the rate to the same extent as if the person had continued to be the occupier or owner of the land, if the rate is levied either—

- (a) before the person ceases to be the occupier or owner of the land; or
- (b) before the board has received from the person the prescribed notice under section 34 (1) of the person ceasing to be the occupier or owner of the land.

(2) Where a person who ceases to be the occupier or owner of any land pays to a board any rate which is levied after the person has ceased to be the occupier or owner of the land and before the prescribed notice under section 34 (1) has been received by the board, the person may recover the amount from any person who thereafter becomes the occupier or owner, as the case may be, of the land.

(3) As between successive occupiers or owners of ratable land a rate shall be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

Notice of changes in occupancy or ownership of ratable land

34. (1) A person shall, within one month of ceasing to be or becoming the occupier or owner of ratable land within a district, give the prescribed notice to the board for the district.

*Pastures Protection (Rates) Amendment 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(2) A person who fails to comply with subsection (1) is guilty of an offence and liable to a penalty not exceeding \$500.

(3) Proceedings in respect of an offence under this section may, notwithstanding any limit of time prescribed by any Act for instituting proceedings, be commenced at any time within the period of 2 years after the commission of the offence.

Liability of person becoming occupier or owner

35. (1) A person who, in any year, becomes the occupier or owner of any ratable land within a district shall be liable to the board for the district for any current rates and for all arrears of the rates owing by any previous occupier or owner in respect of the land, whether or not the person became the owner or occupier of the land after the rate was levied.

(2) Subsection (1) does not affect or extend to an occupier of land the subject of a lease, license or purchase from the Crown, where the lease or license is granted or purchase is made after the rate referred to in that subsection is levied, whether or not the land has been previously held under a lease, license or purchase from the Crown.

(3) Any person may apply to a board for a certificate under this section as to the amount, if any, due or payable to the board by the occupier or owner of the land, for rates or otherwise.

(4) An application for a certificate referred to in subsection (3) shall be made in or to the effect of the prescribed form and shall be accompanied by the prescribed fee.

(5) A certificate referred to in subsection (3) shall be in or to the effect of the prescribed form.

(6) The production of a certificate referred to in subsection (3) shall be deemed to be conclusive proof in favour of a person who becomes an occupier or owner of the land to which the certificate relates that at the date of the certificate no rates, charges or sums other than those stated in the certificate were due or payable in respect of the land.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(7) For the purposes of this section rates, charges or sums of money shall be deemed to be due or payable notwithstanding that the requisite period after service of any notice may not have expired.

(8) If the occupier or owner of any land pays to a board any rate which accrued during the occupancy or ownership of the land by some other person, the occupier or owner may recover from that other person such proportion of the rate as accrued while that other person was the occupier or owner of the land.

Appeal against assessment of carrying capacity

36. (1) Where, for the purposes of this Act, the board of a district has assessed the carrying capacity of land within the district and the occupier or owner of the land is dissatisfied with the board's assessment, the occupier or owner may, not later than 60 days after service of a general rate or animal health rate notice based on the assessment, appeal in writing to the board for a review of the assessment.

(2) A board may determine an appeal under subsection (1)—

(a) by varying its assessment of the carrying capacity of the land; or

(b) by affirming its assessment of the carrying capacity of the land.

(3) Where an occupier or owner of land is dissatisfied with the determination of a board under subsection (2), the occupier or owner may, not later than 30 days after receiving notice of the board's determination, appeal against the board's assessment to the local land board of the land district within which the land is situated.

(4) Where a board has failed to determine an appeal under subsection (1) within 60 days after service of the appeal on the board, the occupier or owner may appeal against the board's assessment to the local land board of the land district within which the land is situated.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

- (5) An appeal under subsection (3) or (4) shall be made in the prescribed manner and on payment of the prescribed fee.
- (6) On an appeal under subsection (3) or (4)—
- (a) the local land board shall have jurisdiction to hear and determine the appeal;
 - (b) the local land board may make such order as to payment of the costs of the appeal as to it seems just in all the circumstances of the case; and
 - (c) the decision of the local land board shall be final.
- (7) Any costs ordered to be paid under subsection (6) (b) may be recovered as a debt in any court of competent jurisdiction.
- (8) An appeal under subsection (3) or (4) against an assessment of the carrying capacity of land shall not be made unless any rate or rates based on the assessment has or have been paid.

DIVISION 3—*Recovery of rates*

Facilitation of recovery

37. (1) In any proceedings for the recovery of any rate, objection to the validity of the rate shall not be allowed and will not prevent the recovery of the rate.

(2) Any occupier or owner desiring to object to the validity of any rate may, subject to section 31, object to its validity before a prescribed court in the prescribed manner, subject to such conditions and the payment of such fees as may be prescribed.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
*continued***Overdue rates—extra charges**

38. (1) Overdue rates shall be increased in accordance with this section.

(2) Where the whole or part of a rate is unpaid after the expiration of 60 days from the date on which the rate became due and payable to and recoverable by a board, the amount due shall be increased by a sum calculated at the prescribed rate per cent per annum, and the increase shall be deemed to be part of the rates.

(3) The calculation under subsection (2) shall be made in respect only of as many complete months as have expired between the due date and the date of payment, excluding any remaining portion of a month.

(4) If in any case the percentage is less than 10 cents, the increase shall be 10 cents.

(5) This section shall continue to apply to all unpaid rates notwithstanding that judgment may have been obtained in any court, including the District Court.

Recovery of rates

39. (1) All rates due and payable by the same person, whether in respect of occupation or ownership of the same or of different land, may be recovered by proceedings in one action or suit.

(2) Where proceedings referred to in subsection (1) are taken in a Local Court, the proceedings may be taken in the court for the district within which any of the land to which the proceedings relate is situated or in the court nearest to the office of the board for the district within which any of the land is situated, or to the residence of the defendant, as the board may decide, whether the rates sought to be recovered are in respect of land occupied within the same or different districts.

(3) Nothing in this section shall preclude the taking of separate proceedings, or the taking of proceedings in any Local Court available under the Local Courts (Civil Claims) Act 1970.

*Pastures Protection (Rates) Amendment 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
*continued*DIVISION 4—*Sale of land for overdue rates***Sale of land for overdue rates**

39A. (1) Subject to this section, a board has, in relation to—

- (a) land within its district; and
- (b) a rate that was levied by the board before or after the commencement of this Division and is overdue for more than 5 years,

the same powers, authorities, duties and functions as are conferred or imposed by sections 602–613, both inclusive, of the Local Government Act 1919 on a council (other than a county council or for or with respect to a county council) in relation to—

- (c) land within the area of the council; and
- (d) a rate that was levied by the council before or after the commencement of the Local Government (Further Amendment) Act 1952 and is overdue for more than 5 years.

(2) For the purposes of subsection (1)—

- (a) a reference to the Local Government Act 1919, however expressed, in sections 602–613, both inclusive, of that Act shall be construed as a reference to this Division; and
- (b) the Local Government Act 1919 shall be deemed to be amended—
 - (i) by omitting from section 602 (1) the words “town or shire clerk” and by inserting instead the word “board”;
 - (ii) by omitting section 602 (5A) and (6) and section 606; and
 - (iii) by inserting after section 605 (1) the following subsection:

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(1A) Land to which this section applies shall not be sold by a board under this Division except with the concurrence of the Minister for Natural Resources.

Application of purchase money

39B. (1) A board shall apply any purchase money received by it on the sale of land for overdue rates to the following purposes and in the following order, in or towards payment of—

- (a) firstly, the expenses of the board incurred in connection with the sale; and
- (b) secondly, any rate or charge in respect of the land due to the board, or any other rating authority, or any debt in respect of the land of which the board has notice, due to the Crown (including any meat industry levy under the Meat Industry Act 1978).

(2) If the amount available is insufficient to pay all rates and charges in respect of the land owing to a board and to any other rating authority and any debt in respect of the land due to the Crown the amount available shall be divided between them in the proportion of the rates, charges and debt owing to each.

(3) Notwithstanding that the amount applied by a board under the provisions of subsection (1) is insufficient to pay the expenses of and the rates and charges due to the board or other rating authority, the board or other rating authority, as the case may be, shall treat the amount due in respect of the expenses and rates and charges as satisfied and discharged, and any deficiency shall be written off the books of account of the board or rating authority accordingly.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

DIVISION 5—*Miscellaneous*

Rebate of general rates

40. (1) The board for a district may by resolution decide to grant in any year a rebate of a general rate in accordance with subsection (2) or (4) to occupiers of ratable land within the district who make application for a rebate within the time fixed by the board.

(2) Where a board decides to grant a rebate of a general rate in accordance with this subsection, the amount of the rebate shall be a rebate of not more than half of the amount of the general rate levied in respect of any holding or portion of a holding—

(a) on the external boundaries of which there is a fence which, in the opinion of the board, is rabbit-proof; and

(b) which, in the opinion of the board, has been kept reasonably free from rabbits during the period of 12 months ending on 31 December last preceding the year for which the rate is made.

(3) Any fence which, in the opinion of the board, is sufficiently near to any boundary shall be deemed to be on the boundary for the purposes of subsection (2).

(4) Where a board decides to grant a rebate of a general rate in accordance with this subsection, the amount of rebate shall be not more than half of the amount of the general rate levied in respect of each holding in an area—

(a) which is designated by the board as a rabbit eradication area; and

(b) which, in the opinion of the board, has been kept reasonably free from rabbits during the period of 12 months ending on 31 December last preceding the year for which the rate is made, by reason of measures, approved by the board, having been taken by the occupiers of the holdings in that area.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(5) A rebate granted under subsection (2) or (4) shall be deemed not to be a waiver or refund of the whole or part of a rate for the purposes of section 40A.

Waiver or refund of rate

40A. (1) A board may, with the approval of the Minister, and shall, at the direction of the Minister, but not otherwise—

(a) waive payment of any rate or part of any rate; or

(b) refund to an occupier or owner any rate or part of any rate,
or both.

(2) The Minister may, at the Minister's discretion, direct a board—

(a) to waive payment of any rate or part of any rate; or

(b) to refund to an occupier or owner any rate or part of any rate,

or both.

(3) A board shall write off any amount of rates waived or refunded under subsection (1) or (2).

(4) The Minister may authorise a board to write off any amount owing to it whether for rates or otherwise if the Minister is satisfied that the amount is not recoverable.

Rate-book

40B. (1) Every rate levied by a board shall be entered in a prescribed rate-book which shall be kept by the board in the prescribed form and manner.

(2) A board may, in the prescribed manner, make or cause to be made such amendments and may remedy or cause to be remedied such omissions in the entries in the rate-book kept by the board as may be necessary.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(3) Except in the case of an amendment rendered necessary by any appeal, and except in the case of formal amendments, an amendment of the rate-book kept by a board in respect of the occupier of any holding shall be deemed to be a determination by the board of the amount so payable under a rate by the occupier in respect of the holding.

(4) In any proceedings for the recovery of any rate—

(a) an entry in a rate-book, the entry being one of a series prescribed to be made, shall be evidence of the matters recorded in the rate-book; and

(b) a copy of an entry in a rate-book, the entry being one of a series prescribed to be made, shall be evidence of the entry and of the matters recorded in the rate-book.

Duty to supply information respecting land or stock

40c. (1) The board for a district may, in the prescribed manner, require any owner or occupier of land within the district, or any owner of stock, to furnish, within the prescribed time and in the prescribed manner, any information regarding the land or stock which is required by the board for the purposes of verifying or inquiring into the accuracy of information contained in any return of land and stock furnished to it under section 29.

(2) Any person who, being required to furnish any information pursuant to subsection (1)—

(a) fails to do so within the prescribed time or in the prescribed manner; or

(b) furnishes any incorrect or misleading information, is guilty of an offence and is liable to a penalty not exceeding \$1,000.

(3) In this section, “stock” includes pigs.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
*continued***Exemptions**

40D. (1) The provisions of this Part and of sections 91, 104 and 125 do not apply to or in respect of land approved by the board for the district within which the land is situated and used for one or more of the following purposes:

- (a) cemetery;
- (b) racecourse;
- (c) golf course;
- (d) show ground;
- (e) industrial area.

(2) The regulations may exempt from the operation of all or any of the provisions of this Part or section 91, 104 or 125 any land or any person or class of persons.

(3) An approval under subsection (1) or an exemption under subsection (2) may be given unconditionally or subject to such conditions as may be approved or prescribed, as the case requires.

(4) Where an approval under subsection (1) or an exemption under subsection (2) is given subject to conditions, the approval or exemption does not have effect during any period when the conditions are not complied with.

Holdings in 2 or more districts

40E. (1) Where any holding is situated partly within 2 or more districts it shall be deemed for the purposes of the definition of "ratable land" in section 4, of this Part, of Part VI, and of Part VIII, to be wholly situated within the district in which the greater part lies.

(2) If the parts of the holding situated within more than one district are equal, the part on which the main residence is situated, shall, for the purposes of this section, be deemed to be the greater part.

*Pastures Protection (Rates) Amendment 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued

(4) Section 91 (3), (3A)—

Omit subsection (3), insert instead:

(3) A special rate levied by a board under subsection (1) shall be made by resolution of the board and shall be levied by service of a rate notice.

(3A) A special rate levied by a board under subsection (1) shall be calculated by the board according to the carrying capacity of the land concerned.

(5) (a) Section 125 (4)—

Omit “The provisions of Part III shall, *mutatis mutandis*, apply to the making, calculation, notification, collection, payment and recovery of such special rate.”.

(b) Section 125 (5), (6)—

After section 125 (4), insert:

(5) A special rate levied by a board under subsection (4) shall be made by resolution of a board and shall be levied by service of a rate notice.

(6) A special rate levied by a board under subsection (4) shall be calculated by the board according to the carrying capacity of the land concerned.

SCHEDULE 2

(Sec. 5)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

(1) (a) Section 4, definition of “Council of Advice”—

After the definition of “Colour brand”, insert:

*Pastures Protection (Rates) Amendment 1985*SCHEDULE 2—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT —
continued

“Council of Advice” means the Council of Advice elected by the Conference of the Pastures Protection Boards’ Association of New South Wales in accordance with the Constitution of that Association.

(b) Section 4, definition of “Meat Industry Authority”—

After the definition of “Marsupial-proof”, insert:

“Meat Industry Authority” means the New South Wales Meat Industry Authority constituted under the Meat Industry Act 1978.

(2) (a) Section 6 (2), (3)—

Omit section 6 (3), insert instead:

(2) A general election of directors shall be held in September 1989 and in every fourth year after that year.

(3) The date of a general election of directors shall be appointed by the Minister and notified in the Gazette.

(b) Section 6 (6A)—

Omit “subsection (3)” wherever occurring, insert instead “subsection (2)”.

(3) Section 8 (1) (i), (3)—

Omit “section 6 (3)” wherever occurring, insert instead “section 6 (2)”.

(4) Section 8A (3)—

Omit “section 6 (3)”, insert instead “section 6 (2)”.

(5) Section 12A (b)—

Omit “three years”, insert instead “4 years”.

(6) Sections 14B, 14C—

After section 14A, insert:

Pastures Protection (Rates) Amendment 1985

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT —
continued

Collection of meat industry levies

14B. (1) The board for a district may, at the request of the Meat Industry Authority, or in accordance with any agreement or arrangement made between the Council of Advice on behalf of the Pastures Protection Boards' Association of New South Wales and the Authority, act as the Authority's agent for the purposes of the issue of notices as to the amount of meat industry levies, and the undertaking of the collection and recovery of levies owed to the Authority by the occupiers or owners of ratable land within the district.

(2) For the purposes of this section—

(a) the Council of Advice is empowered to negotiate on behalf of the Pastures Protection Boards' Association of New South Wales an agreement or arrangement with the Meat Industry Authority for or with respect to the issue of notices and the undertaking by boards on behalf of the Authority of the collection and recovery of meat industry levies, including the deduction of commission by boards; and

(b) the Council of Advice on behalf of the Pastures Protection Boards' Association of New South Wales may enter into an agreement or arrangement for or with respect to the issue of notices specifying the amount of a meat industry levy and the undertaking by boards on behalf of the Authority of the collection and recovery of meat industry levies, including the deduction of commission by boards.

(3) An agreement or arrangement entered into by the Council of Advice on behalf of the Pastures Protection Boards' Association of New South Wales under this section is binding on the Association and on a board, including a board not a member of the Association.

Pastures Protection (Rates) Amendment 1985

SCHEDULE 2—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT —
continued

Additional functions of Council of Advice

14c. In addition to any other functions imposed by this or any other Act or any other functions imposed by any other instrument on the Council of Advice, the Council of Advice has the following functions:

- (a) to be a medium of communication between boards and the Government of the State;
- (b) to make inquiries, when called on by the Minister to do so, into any matter or thing within the scope of or relating to Acts administered by the Minister and affecting the pastoral industry;
- (c) to represent boards on any committees established by the Minister.

(7) Section 19 (1)—

After “fines”, insert “commissions, sureties,”.

(8) Section 171 (1) (s), (t)—

After section 171 (1) (r), insert:

- (s) the issue of notices and the undertaking by boards of the collection and recovery of meat industry levies on behalf of the Meat Industry Authority; and
 - (t) commission payable to boards in respect of the issue of notices and the collection and recovery of levies referred to in paragraph (s).
-

Pastures Protection (Rates) Amendment 1985

SCHEDULE 3

(Sec. 6)

SAVINGS AND TRANSITIONAL PROVISIONS

Director's term of office

1. (1) A director of a board who takes office on or after 1 October 1985 and before 1 October 1989 shall, unless the director is removed from office or otherwise vacates office, cease to hold office—

(a) where a general election of directors is held in September 1989 in accordance with section 6 (2) of the Principal Act, as amended by this Act—on 30 September 1989; or

(b) where section 6 (6) of the Principal Act applies to that general election of directors—on the day before a director is elected or appointed under section 6 (6) to replace the director.

(2) A director who ceases to hold office under subclause (1) is eligible for election or appointment to further office as a director if otherwise qualified.

Rates levied before commencement of Act

2. Nothing in this Act shall affect the payment, collection or recovery of a rate made and levied by a board under the Principal Act before the commencement of Schedule 1 (3).

Returns of land and stock

3. (1) For the purpose of assessing whether land is ratable land, or for the purpose of assessing the carrying capacity of land under section 27 of the Principal Act, as amended by this Act, a board may have regard to a return of land and stock required to be furnished to the secretary of the board under section 39 of the Principal Act, as in force before the commencement of Schedule 1 (3).

(2) Where a person required by section 39 of the Principal Act, as in force before the commencement of Schedule 1 (3), to lodge a return of land and stock as at 30 June 1985 has failed to lodge such a return before the expiration of 30 days after the commencement of Schedule 1 (3), the board shall, notwithstanding any other provision of the Principal Act, levy on the person both the general rate and the animal health rate and may issue a rate notice in respect of those rates.

(3) Section 29 (6) and (7) of the Principal Act, as amended by this Act, apply to the levying of the rates and issue of the rate notice referred to in subclause (2).

Pastures Protection (Rates) Amendment 1985

SCHEDULE 3—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

Regulations

4. (1) The regulations may make provision of a savings or transitional nature consequent on the enactment of this Act.

(2) A provision made under subclause (1) may take effect as from the date of assent to this Act or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication in the Gazette; or

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication in the Gazette.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule.
