



New South Wales

Rural Lands Protection Amendment Act 2008 No 112

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New South Wales

Rural Lands Protection Amendment Act 2008 No 112

Act No 112, 2008

An Act to amend the *Rural Lands Protection Act 1998* to make further provision with respect to the protection of rural lands, to provide for the establishment of the State Policy Council of Livestock Health and Pest Authorities and the constitution of livestock health and pest authorities and the State Management Council of Livestock Health and Pest Authorities and to provide for the functions of those bodies; and for other purposes. [Assented to 10 December 2008]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Rural Lands Protection Amendment Act 2008*.

2 Commencement

- (1) This Act commences on 1 January 2009, except as provided by subsection (2).
- (2) Schedule 4 [1], [2] and [4]–[8] and Schedule 6.1 [1], [4], [5] and [7] and Schedule 6.19 [1] and [2] commence on 1 January 2010.

3 Amendment of Rural Lands Protection Act 1998 No 143

The *Rural Lands Protection Act 1998* is amended as set out in Schedules 1–5.

4 Amendment of other Acts and instruments

The Acts and instruments specified in Schedule 6 are amended as set out in that Schedule.

5 Repeal of Rural Lands Protection Amendment Act 2006 No 118

The *Rural Lands Protection Amendment Act 2006* is repealed.

6 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act and the *Rural Lands Protection Amendment Act 2006* does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by those Acts.

Schedule 1 Amendments to Rural Lands Protection Act 1998 relating to structure of rural lands protection system

(Section 3)

[1] Part 2, heading

Omit the heading. Insert instead:

Part 2 Livestock health and pest districts

[2] Section 5 Livestock health and pest districts

Omit “rural lands protection” from section 5 (1).

Insert instead “livestock health and pest”.

[3] Section 5 (3)

Omit “another board or boards”.

Insert instead “another authority or authorities”.

[4] Section 6 Division of districts

Omit section 6 (1). Insert instead:

- (1) The Minister may, by order published in the Gazette, divide a district into two or more divisions (and specify the boundaries of those divisions) as the Minister considers appropriate.

[5] Section 7 Exemptions from division of districts

Omit the section.

[6] Section 9 Rural lands protection regions

Omit the section.

[7] Section 11 State Council accountable to Policy Council for implementation of general policies

Omit “at State Conferences or by postal ballot in accordance with section 26B” from section 11 (1).

Insert instead “by the Policy Council”.

[8] Section 12 Authorities accountable to State Council

Insert at the end of the section:

- (2) An authority is, in the exercise of its functions, subject to the control and direction of the State Council.

[9] Part 4

Omit the Part. Insert instead:

Part 4 Policy Council

14 State Policy Council of Livestock Health and Pest Authorities

- (1) The State Policy Council of Livestock Health and Pest Authorities (the *Policy Council*) is established by this Act.
- (2) The Policy Council does not, for any purpose, represent the Crown.
- (3) The Policy Council is, in the exercise of its functions, subject to the control and direction of the Minister.

15 Members of Policy Council

- (1) The Policy Council consists of the following members:
 - (a) 2 members for each district, appointed by the authority of the district from among its directors,
 - (b) such other members as are appointed by the Minister.
- (2) The Minister may give directions as to the manner in which and the time within which appointments are to be made by authorities for the purposes of subsection (1) (a).
- (3) If an authority fails to make an appointment in the manner and within the time directed by the Minister, the Minister may appoint a person as a member on behalf of the authority and the person is taken to have been appointed by the authority.
- (4) If an authority fails to make an appointment or appointments under this section, the Policy Council is nevertheless properly constituted.

16 Functions of Policy Council

- (1) The Policy Council has such functions as are conferred or imposed on it by or under this or any other Act.

- (2) Without limiting subsection (1), the Policy Council has the following functions:
 - (a) the determination of general policies to be implemented by authorities for the protection of rural lands,
 - (b) the determination of primary policies to guide the State Council in carrying out its functions,
 - (c) the selection on merit, and appointment, of members of the State Council,
 - (d) the provision of advice on any specified matter referred to it by the Minister, the State Council or an authority,
 - (e) carrying out such other functions relating to the administration of this Act as may be conferred or imposed on it by the Minister.
- (3) The Policy Council cannot employ any staff.

17 Provisions relating to constitution and procedure of Policy Council

- (1) The constitution and procedure of the Policy Council are, subject to this Act and the regulations, to be determined by the Policy Council.
- (2) Schedule 1A has effect with respect to the constitution and procedure of the Policy Council.

18 Report to Minister and authorities

The Policy Council must, as soon as practicable after the end of each financial year (but within such period as may be specified in the regulations), report to the Minister and the authorities (in the manner specified in the regulations, if any) on the activities and performance of the Policy Council during the previous financial year.

[10] Part 5, Divisions 1 and 2

Omit the Divisions. Insert instead:

Division 1 Constitution of State Council

19 Constitution of State Council

- (1) There is constituted by this Act a corporation under the corporate name of State Management Council of Livestock Health and Pest Authorities (the *State Council*).

- (2) The State Council does not, for any purpose, represent the Crown.

20 Members of State Council

- (1) The State Council consists of the following persons:
- (a) 6 persons appointed by the Policy Council, after a process of selection on merit, from among the directors of boards of authorities,
 - (b) 2 persons appointed by the Policy Council, after a process of selection on merit, on the basis of each person having expertise, experience or qualifications in one or more of the following areas:
 - (i) law,
 - (ii) business,
 - (iii) financial management,
 - (iv) corporate governance,
 - (v) any other area of expertise that the Policy Council determines to be relevant to the operation of the State Council,
 - (c) one person appointed by the Minister, on the nomination of the Director-General, being a person with experience in animal health and pest management.
- (2) The Minister may give directions as to the manner in which and the time within which appointments are to be made by the Policy Council for the purposes of this section.
- (3) If the Policy Council fails to make an appointment or appointments under this section, the State Council is nevertheless properly constituted.

21 Provisions relating to constitution and procedure of State Council

- (1) The constitution and procedure of the State Council are, subject to this Act and the regulations, to be determined by the State Council.
- (2) Schedule 1 has effect with respect to the constitution and procedure of the State Council.

Division 2 Functions of State Council

22 Functions of State Council

- (1) The State Council has such functions as are conferred or imposed on it by or under this or any other Act.

- (2) Without limiting subsection (1), the State Council has the following functions:
- (a) the supervision of the governance of authorities,
 - (b) the preparation and adoption of a strategic plan and strategic policies for the protection of rural lands having regard to the advice of the Policy Council,
 - (c) the co-ordination of the implementation by authorities of the following:
 - (i) general policies for the protection of rural lands determined by the Policy Council,
 - (ii) strategic policies for the protection of rural lands determined by the State Council,
 - (d) the monitoring and supervision of the implementation by authorities of the following policies in districts where those policies have been the subject of a guideline issued under section 23:
 - (i) general policies for the protection of rural lands determined by the Policy Council,
 - (ii) strategic policies for the protection of rural lands determined by the State Council,
 - (e) public education about, and promotion of, the functions, role and activities of authorities,
 - (f) the provision of administrative services to the Policy Council,
 - (g) the provision of advice and assistance about, and the monitoring of the implementation by authorities of, function management plans,
 - (h) consultation with authorities about, and entering into arrangements on behalf of authorities for or with respect to, services provided by authorities on behalf of public authorities,
 - (i) engagement in negotiations with public authorities in relation to the exercise of functions of the authorities that affect those public authorities,
 - (j) ensuring, as far as practicable, that authorities carry out the financial obligations imposed on them by or under this or any other Act,
 - (k) production and dissemination of information on the functions, policies and procedures of authorities,

- (l) provision of training for staff and directors of authorities concerning the administration and operation of authorities and functions carried out by the staff and directors,
 - (m) carrying out such other functions relating to the administration of this Act as may be conferred or imposed on it by the Minister.
- (3) The State Council cannot employ any staff.
- Note.** Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the State Council to exercise its functions.

23 Guidelines

- (1) The State Council may issue guidelines to authorities that are not inconsistent with this Act or any other law with respect to:
 - (a) the exercise of any function of an authority, and
 - (b) financial reports of authorities and the auditing of those reports, and
 - (c) the implementation of general policies for the protection of rural lands determined by the Policy Council, and
 - (d) the implementation of strategic policies for the protection of rural lands determined by the State Council, and
 - (e) the determination of relevant areas of expertise for the purposes of section 39 (3) (b) (v).
- (2) The Policy Council may request the State Council to issue a guideline under subsection (1) (c) regarding the implementation of a general policy for the protection of rural lands determined by the Policy Council.
- (3) The State Council must issue the guideline unless the State Council has:
 - (a) consulted with the Policy Council, and
 - (b) had regard to the views of the Policy Council, and
 - (c) resolved that it disagrees with the policy determined by the Policy Council.
- (4) Any such guidelines may adopt a standard or other document as in force from time to time.
- (5) Without limiting subsection (1), the State Council may issue guidelines in respect of the preparation, contents, submission and adoption of function management plans.

24 Delegation

The State Council may delegate any of its functions (other than this power of delegation) to an authority or any other person.

25 Operating plans, budgets and reports

- (1) The State Council must, at least 2 months (or such other period as may be specified in the regulations) before the commencement of each financial year, provide an annual operating plan and budget for the operations of the State Council (in the manner specified in the regulations, if any) for that following financial year to the Minister and the Policy Council.
- (2) The State Council must, as soon as practicable after the end of each financial year (but within such period as may be specified in the regulations), report to the Minister and the Policy Council (in the manner specified in the regulations, if any) on the performance of the State Council in respect of the strategic plan and annual operating plan during the previous financial year.

[11] Section 27 (2) (b)

Omit “or general policy determination made at a State Conference or determined by postal ballot in accordance with section 26B”.

[12] Section 27 (2) (d)

Omit “, determination”.

[13] Section 31

Omit the section. Insert instead:

31 Authorities to contribute to State Council’s fund

- (1) Each authority must, within such period and in such manner as is determined by the State Council, pay a contribution each financial year to the State Council for the purpose of enabling the State Council to carry out its functions.
- (2) The contribution to be made by each authority is to be calculated in the following manner or, if regulations are made for the purposes of this subsection, as prescribed by the regulations:
 - (a) the State Council must, at least 2 months (or such other period as may be specified in the regulations) before the commencement of each financial year, determine the amount of money that it requires authorities to contribute to the State Council’s fund to enable it to carry out its functions during that following financial year,

- (b) the State Council is to notify the Policy Council of the amount so determined,
- (c) the Policy Council is to determine the portion of the total amount that is to be paid to the State Council's fund by each authority.

[14] Part 6, heading

Omit the heading. Insert instead:

Part 6 Livestock health and pest authorities

[15] Part 6, Division 1

Omit the Division. Insert instead:

Division 1 Constitution of livestock health and pest authorities

37 Authority to be constituted for each district

- (1) A livestock health and pest authority is constituted by this Act for each district.
- (2) An authority does not, for any purpose, represent the Crown.
- (3) An authority is a body corporate.

Note. Part 8 of the *Interpretation Act 1987* applies to statutory bodies. It contains provisions stating the general attributes of statutory incorporation (for example, perpetual succession, the requirement for a seal, the taking of proceedings), it provides for judicial notice to be taken of a statutory corporation's seal, it creates a presumption of regularity for acts and proceedings of a statutory corporation and contains other provisions.

38 Corporate name of authority

- (1) The corporate name of an authority is the name of the district for which the authority is constituted, but with the word "authority" substituted for the word "district".
- (2) An authority for a district is to publish notice of any alteration of its corporate name in a newspaper circulating generally in the district.

Note. The name of a district, and therefore the corporate name of an authority, can be altered under section 5 (2).

39 Boards of authorities

- (1) There is to be a board for each authority, called the “[*Name of authority*] Board”.
- (2) The affairs of an authority are to be controlled by the board of the authority. Any act, matter or thing done in the name of, or on behalf of, an authority by the board of the authority is taken to have been done by the authority.
- (3) The board of an authority is to consist of:
 - (a) 6 elected directors or, if in relation to a particular board the Minister specifies a different number of elected directors under subsection (4)—the number of elected directors specified, and
 - (b) 2 directors appointed by the authority, after a process of selection on merit, on the basis of the appointed director having expertise, experience or qualifications in one or more of the following areas:
 - (i) law,
 - (ii) business,
 - (iii) financial management,
 - (iv) corporate governance,
 - (v) any other area of expertise determined to be relevant by a guideline issued under section 23.
- (4) The Minister may, by order published in the Gazette, direct that the number of elected directors of a particular board is to be the number specified in the order.
- (5) If a district is divided into divisions, such number of elected directors as is specified by the Minister by order published in the Gazette must be elected (or appointed) in accordance with Schedule 2 for each division.
- (6) Schedule 1 has effect with respect to the constitution and procedure of boards of authorities.
- (7) Schedule 2 has effect with respect to the election and appointment of directors of boards of authorities.

40 Dissolution of authorities

- (1) An authority is dissolved if:
 - (a) the district for which it is constituted becomes wholly comprised within another district, or

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- (b) all parts of the district for which it is constituted are wholly distributed among other districts, or
 - (c) the district for which it is constituted is amalgamated into one or more other districts, or
 - (d) the district for which it is constituted is divided into 2 or more other districts, or
 - (e) the district for which it is constituted is dissolved.
- (2) On the day a proclamation dissolving a district takes effect, the board of the authority of the district ceases to exist and the directors of the board cease to hold office.

[16] Section 43A Matters arising in between State Conferences

Omit the section.

[17] Sections 55H (2) (b) and 55K (1)

Omit “Rural Lands Protection Boards Division” wherever occurring.

Insert instead “Livestock Health and Pest Authorities Division”.

[18] Part 6A

Insert after Part 6:

Part 6A Honesty and conduct

Division 1 Honesty, care and diligence

57B Conduct of Policy Council and State Council members and directors of boards of authorities

- (1) Every Policy Council and State Council member, and every director of a board of an authority, must:
- (a) act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under this or any other Act, and
 - (b) act for a proper purpose in carrying out his or her functions under this or any other Act, and
 - (c) not use his or her office or position for personal advantage, and
 - (d) not use his or her office or position to the detriment of the member’s Council or the director’s authority (respectively).

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- (2) Although this section places certain duties on Policy Council and State Council members, and directors of boards of authorities, nothing in this section gives rise to, or can be taken into account in, any civil cause of action.

Division 2 Codes of conduct

57C Codes of conduct

- (1) The State Council may issue a code of conduct to be observed by all directors of boards of authorities.
- (2) Without limiting what may be included in the code, the code may relate to any conduct (whether by way of act or omission) of a director in carrying out his or her functions that is likely to bring the authority into disrepute.
- (3) In particular, the code may contain provisions for or with respect to the following conduct:
- (a) conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances,
 - (b) improper or unethical conduct,
 - (c) abuse of power and other misconduct,
 - (d) action causing, comprising or involving any of the following:
 - (i) intimidation, harassment or verbal abuse,
 - (ii) discrimination, disadvantage or adverse treatment in relation to employment,
 - (iii) prejudice in the provision of a service to the community,
 - (e) conduct of a director causing, comprising or involving any of the following:
 - (i) directing or influencing, or attempting to direct or influence, a member of the staff of the authority in the exercise of the functions of the staff member,
 - (ii) an act of disorder committed by the director at a meeting of the board of an authority or a committee of the board.
- (4) A director of a board of an authority must not contravene the code.

- (5) Nothing in this section or such a code gives rise to, or can be taken into account in, any civil cause of action, and nothing in this section affects rights or liabilities arising apart from this section.

Division 3 Contravention of code of conduct

57D Formal censure for contravention of code of conduct

- (1) An authority may, by resolution at a board meeting, formally censure a director of the board of the authority for a contravention of the code of conduct.
- (2) A formal censure resolution may be passed only if the board is satisfied that the director has contravened the code on one or more occasions.
- (3) The board must specify in the formal censure motion the grounds on which it is satisfied that the director should be censured.

57E Process for initiating suspension or other action

- (1) An authority may, by written notice given to the State Council, state the authority's belief that grounds may exist that warrant the suspension of a director of the board of the authority for a contravention of the code of conduct.
- (2) The State Council, on receipt of the notice, may request that the authority make a report in relation to the alleged contravention.
- (3) The authority must make the report to the State Council requested under subsection (2) before the date specified in the State Council's request or before a later date allowed by the State Council.
- (4) The State Council may:
 - (a) conduct an investigation into any or all of the matters raised by or connected with such a notice or report, or
 - (b) authorise another person (*an investigator*) to conduct such an investigation and to prepare a report into those matters.
- (5) If the State Council has conducted an investigation or considered an investigator's report into the matters concerned and is satisfied that grounds exist that warrant action being taken in relation to the director, the State Council may do any one or more of the following:
 - (a) by order in writing suspend the director from office for a period not exceeding 3 months,

- (b) direct the director to take specified remedial or other action,
 - (c) recommend to the Minister that the director be removed from office under clause 6 (2) of Schedule 1.
- (6) A copy of the order referred to in subsection (5) (a) must be served on the director.
- (7) A copy of the direction referred to in subsection (5) (b) must be served on the director.
- (8) A director, while suspended from office under this section:
- (a) is not entitled to exercise any functions of the office, and
 - (b) is not entitled to any fee or other remuneration to which he or she would otherwise be entitled as the holder of the office.
- (9) The period of suspension under an order made by the State Council commences on the date 7 days after the service of the order on the director or the date specified in the order for the commencement of the period of suspension, whichever is the later.
- (10) If the director fails to take the specified remedial or other action referred to in subsection (5) (b), the State Council may recommend to the Minister that the director be removed from office under clause 6 (2) of Schedule 1.

57F Other proceedings or actions not affected

Nothing in this Division affects or limits any proceedings or other action that may be taken in respect of a director of a board of an authority.

[19] Sections 133 (1) and 232 (2)

Omit “or board” wherever occurring. Insert instead “or an authority”.

[20] Sections 133 (3), 233 (2), 235 (1) and (3), 237 (1) and 238 (2)

Omit “or board” wherever occurring. Insert instead “or the authority”.

[21] Section 215 Appointment of administrator of all functions of State Council

Omit section 215 (1) (b). Insert instead:

- (b) specify a date after which new members may be appointed in accordance with this Act to fill the vacancies on the State Council.

[22] Section 215 (3)

Omit “the election”.

Insert instead “the appointment of new members in accordance with subsection (1)”.

[23] Section 218 Appointment of administrator of all functions of authorities

Omit “may request” from section 218 (2) (b).

Insert instead “may order”.

[24] Section 218 (2) (c)

Insert “of the authority” after “the board”.

[25] Section 221 Administrator to hold special election of directors when directed to do so

Omit section 221 (1) and (2). Insert instead:

- (1) The Minister may, at any time while an administrator of an authority is holding office under section 218, give to the administrator a direction requiring the administrator to hold a special election of directors of the board of the authority.
- (2) An administrator of an authority that is given such a direction must:
 - (a) by notice published in the Gazette, fix a date for the holding of a special election of the directors of the board of the authority, and
 - (b) hold a special election of directors on that date.

[26] Section 222 Definitions

Omit “of an amalgamated district” from the definition of *constituent parts*.

Insert instead “*of an amalgamated district*”.

[27] Section 223 Appointment of an initial administrator

Omit section 223 (1) (a). Insert instead:

- (a) appoint an administrator to manage the affairs of the authority pending the election of directors of the board of the authority, and

[28] Section 224 Alternative arrangements to appointment of initial administrator

Insert after section 224 (3):

- (3A) The Minister may, by order, direct that a person exercise the functions of director of a district constituted under section 5 as a consequence of an amalgamation (whether or not the person was a director of a district that was a constituent part of an amalgamated district) pending the election of the directors of the board of the authority for the newly constituted district.
- (3B) The Minister may appoint a person directed under subsection (2), (3) or (3A) to exercise functions as a director to act as Chairperson of the board of the authority of a newly constituted district pending the election of the directors of the board of the authority for the district.

[29] Section 226 Notification of divisions of and number of directors of boards for amalgamated districts

Omit the section.

[30] Schedule 1A

Insert before Schedule 1:

Schedule 1A Constitution and procedure of Policy Council

(Section 17)

Part 1 General

1 Definitions

In this Schedule:

Chairperson means the Chairperson of the Policy Council.

Deputy Chairperson means the Deputy Chairperson of the Policy Council.

member means any member of the Policy Council.

Part 2 Constitution

2 Terms of office of members

Subject to this Schedule and the regulations, a member holds office for such period as is specified in the member's instrument

of appointment, but is eligible (if otherwise qualified) for re-appointment.

3 Remuneration

- (1) A member of the Policy Council appointed by an authority is entitled to be paid by the authority such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.
- (2) A member of the Policy Council appointed by the Minister is entitled to be paid by the State Council such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.
- (3) For the avoidance of doubt, the Minister may determine remuneration for members generally or for a particular class or classes of member.

4 Vacancy in office of member

- (1) The office of a member becomes vacant if the member:
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office by the Minister under this clause, or
 - (e) is absent from 3 consecutive meetings of the Policy Council of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (g) becomes a mentally incapacitated person, or
 - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or

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- (i) in the case of a member appointed by an authority—ceases to be a director of the board of the authority or is removed from office by the authority under this clause.
 - (2) The Minister may remove a member from office at any time.
 - (3) An authority may remove a member appointed by the authority from office at any time.
 - (4) Subclause (1) (i) does not apply if a person ceases to be a director by completing a term of office as director.

Note. A person who ceases to be a director by completing a term of office will continue to be a member of the Policy Council until the person's term of office as such a member concludes. However, if the person ceases to be a director for another reason (for example, failure to attend board meetings), the person will also cease to be a member of the Policy Council.

5 Filling of vacancy in office of member

If the office of any member appointed under section 15 (1) (a) becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

6 Chairperson and Deputy Chairperson

- (1) The members of the Policy Council are to elect a Chairperson and Deputy Chairperson from among the members of that Council appointed under section 15 (1) (a).
- (2) The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if he or she:
 - (a) is removed from that office by the Minister under this clause, or
 - (b) resigns that office by instrument in writing addressed to the Minister, or
 - (c) ceases to be a member of the Policy Council.
- (3) The Minister may at any time remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson.

7 Disclosure of pecuniary interests

- (1) If:
 - (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Policy Council, and

- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Policy Council.
- (2) A disclosure by a member at a meeting of the Policy Council that the member:
- (a) is a member, or is in the employment, of a specified company or other body, or
 - (b) is a partner, or is in the employment, of a specified person, or
 - (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).
- (3) Particulars of any disclosure made under this clause must be recorded by the Policy Council in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Policy Council.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Policy Council otherwise determines:
- (a) be present during any deliberation of the Policy Council with respect to the matter, or
 - (b) take part in any decision of the Policy Council with respect to the matter.
- (5) For the purposes of the making of a determination by the Policy Council under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the Policy Council for the purpose of making the determination, or
 - (b) take part in the making by the Policy Council of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Policy Council.

- (7) This clause applies to a member of a committee of the Policy Council and the committee in the same way as it applies to a member of the Policy Council and the Policy Council.

8 Effect of certain other Acts

- (1) Chapter 2 of the *Public Sector Employment and Management Act 2002* does not apply to or in respect of the appointment of a member.
- (2) If by or under any Act provision is made:
- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
 - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of member or from accepting and retaining any remuneration payable to the person under this Act as a member.

9 Personal liability

A matter or thing done or omitted to be done by the Policy Council, a member of the Policy Council or a person acting under the direction of the Policy Council does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

Part 3 Procedure

10 General procedure

The procedure for the calling of meetings of the Policy Council and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Policy Council.

11 Quorum

The quorum for a meeting of the Policy Council is a majority of its members for the time being.

12 Presiding member

- (1) The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson, or in the absence of both the Chairperson and the Deputy Chairperson, a person elected by the members of the Policy Council who are present at a meeting of the Policy Council) is to preside at a meeting of the Policy Council.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

13 Voting

A decision supported by a majority of the votes cast at a meeting of the Policy Council at which a quorum is present is the decision of the Policy Council.

14 Transaction of business outside meetings or by telephone

- (1) The Policy Council may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Policy Council for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Policy Council.
- (2) The Policy Council may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
 - (a) the approval of a resolution under subclause (1), or
 - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Policy Council.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Policy Council.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

15 First meeting

The Minister may call the first meeting of the Policy Council in such manner as the Minister thinks fit.

[31] Schedule 1, heading

Omit the heading and section reference. Insert instead:

Schedule 1 Constitution and procedure of State Council and boards of authorities

(Sections 21 and 39)

[32] Schedule 1, clause 1

Insert in alphabetical order:

board means board of an authority.

[33] Schedule 1, clause 3 (3) (b) and (c)

Omit “a board” wherever occurring. Insert instead “an authority”.

[34] Schedule 1, clause 4

Omit the clause. Insert instead:

4 Terms of office of members

- (1) Subject to this Schedule and the regulations, a member holds office for such period as is specified in the member’s instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (2) A person is not eligible to hold office as a member for more than 8 years in total or such other period as may be prescribed by the regulations (whether or not involving consecutive terms of office).

[35] Schedule 1, clause 5 (1)

Omit “State Conference”. Insert instead “Minister”.

[36] Schedule 1, clause 5 (2)

Omit “A board”. Insert instead “An authority”.

[37] Schedule 1, clause 5 (2)

Omit “State Council”. Insert instead “Minister”.

[38] Schedule 1, clause 5 (3) and (4)

Insert after clause 5 (2):

- (3) The Minister may fix different rates under subclause (2) for elected and appointed directors.
- (4) A fee paid under this clause does not constitute salary for the purposes of any Act.

[39] Schedule 1, clause 6

Omit clause 6 (1) (i) and (j). Insert instead:

- (i) in the case of an elected director—ceases:
 - (i) to be an occupier or owner of a holding that consists wholly or partly of rateable land that:
 - (A) is within the division for which the person was elected or appointed, or
 - (B) if the district is not divided into divisions, is within the district, or
 - (ii) to hold any other qualification for election as a director, or
- (j) in the case of a member appointed under section 20 (1) (a)—ceases to be a director.

[40] Schedule 1, clause 6 (1A) and (2)

Omit clause 6 (2). Insert instead:

- (1A) Subclause (1) (j) does not apply if a person ceases to be a director by completing a term of office as director.

Note. A person who ceases to be a director by completing a term of office will continue to be a member of the State Council until the person's term of office as such a member concludes. However, if the person ceases to be a director for another reason (for example, failure to attend board meetings), the person will also cease to be a member of the State Council.
- (2) The Minister may, by notice published in the Gazette, remove any member or director from office:
 - (a) at any time for incapacity, incompetence or misbehaviour, or
 - (b) in relation to a director—on the recommendation of the State Council under section 57E.

[41] Schedule 1, clauses 7 and 7A

Omit clause 7. Insert instead:

7 Filling of vacancy in office of member or appointed director

If the office of a member or appointed director becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

7A Filling of vacancy in office of elected director

- (1) If the office of an elected director becomes vacant, a person is, subject to this Act, to be elected to fill the vacancy. The director so elected holds office, subject to clause 6, for the remainder of the term of office of the director whose office he or she is filling.
- (2) If the vacation of office occurs within 6 months before the term of office of an elected director would have expired, the Minister may appoint a person who would be qualified to be elected as a director to fill the office for the remainder of that term.
- (3) The term of office of a person elected or appointed in accordance with this clause is to be disregarded for the purposes of clause 9 (3) of Schedule 2.

[42] Schedule 1, clause 8 (1A)

Insert before clause 8 (1):

- (1A) The members of the State Council are to elect a Chairperson and Deputy Chairperson from among the members of that Council appointed under section 20 (1) (a) and (b).

[43] Schedule 1, clauses 10 and 11 (7) (b)

Omit “the board” wherever occurring. Insert instead “the authority”.

[44] Schedule 1, clause 12

Omit “The State Council or board” wherever occurring.

Insert instead “The State Council or authority”.

[45] Schedule 1, clause 12 (1) (b) and (3)

Omit “or board” wherever occurring. Insert instead “or the authority”.

[46] Schedule 1, clause 15 (1) (a)

Insert “elected” before “directors”.

[47] Schedule 1, clause 19

Omit clause 19 (1)–(3). Insert instead:

The quorum for a meeting of the State Council, or a board of an authority, is a majority of the members, or the directors of the board, for the time being.

[48] Dictionary

Omit “a board” wherever occurring from the definitions of *animal health rate*, *annual return* and *general rate*.

Insert instead “an authority”.

[49] Dictionary

Insert in alphabetical order:

appointed director means a director of a board of an authority referred to in section 39 (3) (b).

authority means a livestock health and pest authority constituted for a district under this Act.

director, director of a board, director of a district and *director of an authority* means a director of a board of an authority.

elected director means a director of a board of an authority referred to in section 39 (3) (a) (and includes any director appointed under clause 2 (2) of Schedule 2).

Policy Council means the State Policy Council of Livestock Health and Pest Authorities established by this Act.

selection on merit, in relation to the appointment of a Policy or State Council member or a director, means the appointment of the member or director after some form of open competition involving the selection of the member or director to be appointed as the person who has the greatest merit among candidates for appointment.

[50] Dictionary

Omit “a board” and “the board” from the definitions of *authorising authority*.

Insert instead “an authority” and “the authority”, respectively.

[51] Dictionary

Omit the definitions of *board* and *district*. Insert instead:

board means a board of an authority.

district means a livestock health and pest district constituted by or under this Act.

[52] Dictionary, definition of “guidelines”

Omit “section 25”. Insert instead “section 23”.

[53] Dictionary

Omit “responsible board” from the definition of *occupier*.

Insert instead “responsible authority”.

[54] Dictionary

Omit the definitions of *region* and *State Conference*.

[55] Dictionary

Omit the definition of *State Council*. Insert instead:

State Council means the State Management Council of Livestock Health and Pest Authorities constituted by this Act.

[56] The whole Act as amended (other than sections 20, 39, 40, 133, 214A, 218 (2) (c), (4) and (5), 221, 223–225, 243 (2) (i), Part 6A, Schedules 1A, 1, 2, 7 and 8, the Dictionary and the headings to sections 118–120 and 214)

Omit “a board”, “the board”, “boards”, “A board”, “each board”, “boards”, “a board’s”, “The board”, “the board’s”, “A board’s”, “relevant board”, “responsible board”, “or board’s” and “affected board” wherever occurring.

Insert instead “an authority”, “the authority”, “authorities”, “An authority”, “each authority”, “authorities”, “an authority’s”, “The authority”, “the authority’s”, “An authority’s”, “relevant authority”, “responsible authority”, “or authority”, and “affected authority”, respectively.

Schedule 2 Amendments to Rural Lands Protection Act 1998 relating to elections for and appointments of directors

(Section 3)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Election or appointment of directors

(Sections 39 (7), 221 and 223)

Part 1 Preliminary

1 Definitions

In this Schedule:

enrolment officer means a person authorised by the State Council to act as the enrolment officer for an authority for the purposes of this Schedule.

general election means a general election of directors held as referred to in clause 7.

relevant day means:

- (a) in the case of an election—the closing day for nomination of candidates for the election, or
- (b) in the case of an appointment—the day on which the appointment takes effect.

special election means a special election of directors held in accordance with clause 10.

Part 2 Election and appointment of directors

2 Elected directors

- (1) The elected directors of a board for a district are to be elected by the persons who are enrolled to vote:
 - (a) in a general election, or
 - (b) if a casual vacancy occurs in the office of any director of the board—in a special election to fill that vacancy.

- (2) If no person is nominated at a general election or special election, or if for any other reason an election fails, the Minister may appoint a person eligible for election to be a director (or who would be eligible except for clause 9 (3)), and the person, on being appointed, is taken to be a person elected in accordance with this clause.

3 Entitlement to vote at an election

A person is entitled to vote at a general election or special election for the directors of a board for a district if on the date on which the roll is closed the person is enrolled, in accordance with this Schedule, as an elector for the district (or, if the district is divided into divisions, as an elector for a division of the district).

4 Qualification for election or appointment as director

- (1) A person is qualified for election as an elected director of a board if on the relevant day the person is:
- (a) the occupier (or one of the occupiers) or the owner (or one of the owners) of a holding that consists wholly or partly of rateable land that is within the division for which the person is to be elected or appointed or, if the district is not divided into divisions, is within the district, or
 - (b) a nominee of a corporation that is the occupier or owner of such a holding.

Note. See section 8 (When is a holding within a district?).

- (2) A person is not qualified for election as a director of a board of an authority for a district if, on the relevant day:
- (a) the person is a director of any other board, or
 - (b) the person has nominated as a candidate for an election as director of a board for another district, being an election that has not yet been determined, or
 - (c) the person has nominated as a candidate for an election as director for another division in the same district, being an election that has not yet been determined, or
 - (d) the person is a member of staff of the authority for which the board is established, or
 - (e) the person has served the maximum term of office as a director as specified under clause 9 (3).

5 Disqualification for election or appointment as director

A person is not qualified for election or appointment as an appointed or elected director of a board for a district if, at any time during the 4 year period preceding the relevant day, the person had been removed from office as a director of a board under section 218.

Part 3 Conduct of elections

6 General provisions applicable to elections of directors of boards

A general election or special election must be conducted by post in accordance with the procedure prescribed by the regulations.

7 When is general election of directors to be held?

The State Council is to ensure that:

- (a) a general election for the elected directors of each board is held to enable the directors of the board elected at the general election to take office on 1 May 2009 (or such other date as may be prescribed by the regulations), and
- (b) a general election for the elected directors of each board is held to enable the directors of the board elected at the general election to take office on 1 May 2013.

8 Delayed election

- (1) If the Minister is of the opinion that it would be impractical or inconvenient to hold a general election of the directors of any board in time for the directors to take office when required by clause 7, the Minister may, by order published in the Gazette, appoint a later day by which a general election must be held and the directors be able to take office.
- (2) The Minister is to serve a copy of an order under this clause on each authority to which it relates.
- (3) If a later day is appointed under this clause:
 - (a) the retiring directors continue in office until that day, and if a retiring director resigns in the meantime, his or her office is vacant until that day, and
 - (b) clause 7 applies as if the date by which the directors must be able to take office under that clause were the date appointed by the Minister, and

- (c) clause 7A of Schedule 1 and clause 10 cease to apply to any vacancy occurring in the office of a director after the order appointing a later day is published in the Gazette and the Minister may, if he or she thinks fit, appoint a person who would be qualified to be elected as a director to fill the office until the later day.

9 Term of office of directors

- (1) Subject to this Schedule and the regulations, the term of office of an elected director of a board expires on the day immediately before the general election held after his or her election as a director.
- (2) Subject to this Schedule and the regulations, an appointed director holds office for the term specified in the director's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
- (3) A person is not eligible to hold office as a director (whether elected or appointed) for more than the following period (whether or not involving consecutive terms of office):
 - (a) in the case of a director who is or has been a member of the State Council (after 1 January 2009)—12 years in total or such other period as may be prescribed by the regulations, or
 - (b) in any other case—8 years in total or such other period as may be prescribed by the regulations.

10 Special election to be held to fill a casual vacancy in the office of director

- (1) An authority must hold a special election to fill any vacancy that occurs in the office of any elected director of the board of the authority within 3 months after the occurrence of the vacancy.
- (2) However, if such a vacancy occurs within the period of 6 months immediately preceding the date on which directors elected at a general election are to take office, an election to fill the vacancy must not be held.

Note. See section 221 (Administrator to hold special election of directors when directed to do so).

Part 4 Enrolment of electors

11 Authority to establish and maintain an electors' roll

- (1) An authority established for a district that is divided into divisions must establish and maintain a roll for each division containing:
 - (a) the full name and postal address of each person enrolled in respect of a holding that is within the division, and
 - (b) particulars identifying the holding.

Note. See section 8 (When is a holding within a district?).
- (2) An authority established for a district that is not divided into divisions must establish and maintain a roll for the district containing:
 - (a) the full name and postal address of each person enrolled in respect of a holding that is within the district, and
 - (b) particulars identifying the holding.
- (3) An enrolment officer for an authority is to be responsible for regularly updating the roll required to be established and maintained by the authority under this clause.
- (4) Without limiting subclause (3), the enrolment officer, subject to this Schedule, is to:
 - (a) include a person's name on the roll as soon as practicable after being notified or otherwise becoming aware that the person is required by this Schedule to be enrolled (for example on being notified of a change of ownership of a holding by the Land Titles Office), and
 - (b) remove a person's name from the roll as soon as practicable after being notified or otherwise becoming aware that the person is no longer required to be enrolled.

12 Which persons are to be enrolled

- (1) Except as provided in this Part, a maximum of 2 persons are to be enrolled in respect of each holding that is situated:
 - (a) within a division of a district, if the district is divided into divisions, or
 - (b) within a district, if the district is not divided into divisions.
- (2) A person may be enrolled in respect of a holding only if:
 - (a) the holding consists wholly or partly of rateable land, and
 - (b) the person is an individual who is 18 or more years old.

- (3) The following persons are to be enrolled in respect of a holding:
 - (a) an individual who is the only occupier of the holding,
 - (b) if there are 2 individuals who are occupiers of the holding—both the individuals,
 - (c) if more than 2 individuals are occupiers of a holding:
 - (i) where a nomination has been made in accordance with clause 13—the 2 individuals so nominated.
 - (ii) where no such nomination has been made—2 of those individuals determined by selecting the first 2 names of occupiers occurring in alphabetical order,
 - (d) in the case where the occupier of the holding is a corporation—2 individuals who have been nominated for the holding by the corporation in accordance with clause 13.
- (4) Despite subclause (3), a person is not to be enrolled in respect of more than one holding:
 - (a) within a division of a district, if the district is divided into divisions, or
 - (b) within a district, if the district is not divided into divisions.
- (5) For the purposes of this clause, a person who occupies 2 or more holdings in a district that are treated as a single holding under section 59:
 - (a) is to be treated as the occupier of one holding only, and
 - (b) if the district is divided into divisions, that holding is to be taken to be located in the division in which the majority of the rateable land occupied by the person is situated.

13 Nomination of electors for holding—more than 2 human occupiers or corporate occupier

- (1) **District divided into divisions**

If 2 or more individuals are occupiers of a holding in a division of a district, they may nominate at least one of those individuals (but not more than 2 of those individuals) as the persons to be enrolled in respect of the holding as an elector for the division.
- (2) A corporation that is the occupier of a holding within a division of a district may nominate up to 2 individuals as the persons to be enrolled in respect of the holding.

(3) **Undivided district**

If 2 or more individuals are occupiers of a holding in a district that is not divided into divisions, they may nominate at least one of those individuals (but not more than 2 of those individuals) as the persons to be enrolled in respect of the holding as an elector for the district.

(4) A corporation that is the occupier of a holding within a district that is not divided into divisions may nominate up to 2 individuals as the persons to be enrolled in respect of the holding.

(5) A nomination under this clause is to be in writing in the approved form and is to be given to the authority.

Note. See section 240 (Service and giving of notices and other documents).

(6) In this clause, **holding** means a holding that consists wholly or partly of rateable land.

14 Objections to enrolment where not related to validity of election

(1) Any person who is enrolled on a roll may object to the State Council to the inclusion or exclusion of the name of any person on or from the roll.

(2) An objection must be made in the approved form.

(3) The State Council must send particulars of an objection to the person to whom the objection relates (if the objector is not that person).

(4) The person to whom an objection relates may lodge a written reply with the State Council within 30 days after the date on which particulars of the objection were sent to that person.

(5) The State Council must consider each objection, and any reply received within that 30 day period, and may make such inquiries as the State Council thinks fit.

(6) The State Council may decide to accept or reject an objection.

(7) The State Council must inform the person to whom the objection relates, and the objector (if the objector is not that person), in writing, of the State Council's decision.

(8) The relevant enrolment officer must amend the relevant roll in accordance with that decision if required to do so to give effect to the State Council's decision.

- (9) The State Council may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

15 Method of disputing elections and returns

- (1) A person who is dissatisfied with the following may dispute the validity of an election by an application made to the Land and Environment Court, and not otherwise:
- (a) the conduct of the election,
 - (b) any decision of an enrolment officer under this Schedule (including a decision to include or exclude a person's name in or from a roll).
- (2) An application to the Land and Environment Court under subclause (1) must set out the facts relied on to invalidate the election.
- (3) Any person may make an application to the Court under this clause within 28 days after the enrolment officer has publicly declared the result of the election that is the subject of the application.

16 Powers of Land and Environment Court

In determining an application under clause 15, the Land and Environment Court has the same powers as are conferred by section 161 of the *Parliamentary Electorates and Elections Act 1912* on the Court of Disputed Returns.

17 Right of enrolment officer to be represented

The enrolment officer is entitled to be represented at the hearing of an application under clause 15.

18 Procedure

- (1) The procedure of the Land and Environment Court on an application under clause 15 is to be determined by rules of court, or in the absence of rules of court, by the Court or a judge of the Court.
- (2) The Land and Environment Court is not bound by the rules or practice of evidence and can inform itself on any matter in such manner as it considers appropriate.

19 Regulations

The regulations may make provision for or with respect to elections (including the keeping of rolls).

Schedule 3 Amendments to Rural Lands Protection Act 1998 relating to periodic elections for directors

(Section 3)

[1] Section 249

Insert after section 248:

249 Amendment of Act to commence periodic elections for directors

- (1) Schedule 8 commences on 1 January 2014.
- (2) This section and Schedule 8 are repealed on 2 January 2014.
- (3) The repeal of this section and Schedule 8 does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by Schedule 8.

[2] Schedule 8

Insert after Schedule 7:

Schedule 8 Amendment of Act to establish periodic elections

(Section 249)

Note. The amendments made by this Schedule commence on 1 January 2014 (see section 249).

[1] Section 223 Appointment of an initial administrator

Omit “general or” wherever occurring in section 223 (1) (b) and (2) (b).

[2] Schedule 1 Constitution and procedure of State Council and boards of authorities

Omit “general election” from clause 9 (1) (a) (as amended by Schedule 5).

Insert instead “periodic election”.

[3] Schedule 1, clause 15

Omit clause 15 (1) (a). Insert instead:

- (a) where vacant positions of directors are filled at a periodic election—within one month, or within such extended period as the State Council allows, after that election, or

[4] Schedule 2 Election or appointment of directors

Omit the definition of *general election* from clause 1.

Insert instead in alphabetical order:

periodic election means an election for elected directors of a board held as referred to in clause 7.

[5] Schedule 2, clauses 2, 3, 6 and 8

Omit “general election” wherever occurring.

Insert instead “periodic election”.

[6] Schedule 2, clause 7

Omit the clause. Insert instead:

7 Timing of periodic elections

The State Council is to ensure that:

- (a) a periodic election is held for each board for the elected director offices falling vacant in 2015 to enable the directors so elected at the election to take office on 1 May 2015, and
- (b) periodic elections are subsequently held in every second year after 2015 for the elected director offices falling vacant in those years to enable directors elected at those periodic elections to take office on 1 May in that year.

[7] Schedule 2, clause 9 (1)

Omit the subclause. Insert instead:

- (1) Subject to this Schedule and the regulations, the term of office of an elected director of a board expires on the day immediately before the second periodic election held after his or her election as a director.

[8] Schedule 2, clause 10 (2)

Omit the subclause. Insert instead:

- (2) However, if the vacation of office occurs within 6 months before the term of office of the elected director concerned would have expired, an election to fill the vacancy must not be held.

[9] Schedule 2, Part 5

Insert after Part 4:

Part 5 Elections after all elected director positions fall vacant

20 Regulations regarding elections for all elected director positions

The regulations may make provision for or with respect to the holding of an election for all elected director positions (for example, after an amalgamation under section 5 or after the appointment of an administrator under section 218) and, specifically, may make provision for the recommencement of a cycle of periodic elections.

[10] Dictionary

Omit the definition of *general election*.

[11] Dictionary

Insert in alphabetical order:

periodic election—see clause 7 of Schedule 2.

Schedule 4 Amendments to Rural Lands Protection Act 1998 relating to rating

(Section 3)

[1] Section 58 Definitions

Omit the definition of *notional carrying capacity*.

[2] Section 61 What are the types of rate?

Insert after section 61 (2):

- (3) A rate may consist of:
 - (a) a base amount, and
 - (b) an amount calculated on a per hectare basis.

[3] Section 62 When are rates to be made and levied?

Omit section 62 (5) (a) and (b).

[4] Section 62 (6)

Insert after section 62 (5):

- (6) An authority may, in accordance with the regulations or any guidelines given by the State Council, if any, divide its district into zones and make and levy different rates for different zones.

[5] Part 7, Division 4

Omit the Division.

[6] Part 7, Division 5, heading

Omit the heading. Insert instead:

Division 5 Appeals against rates

[7] Section 72 Appeals against assessment

Omit the section.

[8] Section 74 Hearing of appeals

Omit section 74 (1).

Schedule 5 Miscellaneous amendments to Rural Lands Protection Act 1998

(Section 3)

[1] Long title

Omit the long title. Insert instead:

An Act to provide for the protection of rural lands; to provide for the establishment of the State Policy Council of Livestock Health and Pest Authorities and the constitution of livestock health and pest authorities and the State Management Council of Livestock Health and Pest Authorities and for the functions of those bodies; to regulate travelling stock reserves, stock watering places and the transportation of stock by vehicle; to provide for the control of certain pests; and for other purposes.

[2] Section 2A

Insert after section 2:

2A Objects of Act

The objects of this Act are as follows:

- (a) to establish livestock health and pest districts,
- (b) to constitute livestock health and pest authorities and the State Management Council of Livestock Health and Pest Authorities and to establish the State Policy Council of Livestock Health and Pest Authorities,
- (c) to confer functions on livestock health and pest authorities and the State Council including, but not limited to, functions relating to animal health and production, pest control, drought and natural disaster relief schemes,
- (d) to provide for the funding of livestock health and pest authorities by a system of rates,
- (e) to provide for the funding of the State Council by a system of contributions from livestock health and pest authorities,
- (f) to provide for the sustainable management of travelling stock reserves and stock watering places,
- (g) to deal with certain unattended and trespassing stock,
- (h) to regulate the movement of stock,
- (i) to provide for the control of pests, including by way of pest control orders and eradication orders.

[3] Section 12 Authorities accountable to State Council

Omit “requests”. Insert instead “orders”.

[4] Part 5, Division 3, heading

Omit the heading. Insert instead:

Division 3 Authorities to comply with State Council’s orders

[5] Part 5, Division 3

Omit “request” wherever occurring in the Division (other than where occurring in “a request” and in the note to section 29).

Insert instead “order”.

[6] Part 5, Division 3

Omit “a request” wherever occurring in the Division. Insert instead “an order”.

[7] Section 33 Financial year of State Council

Omit “1 January”. Insert instead “1 July”.

[8] Section 42 Functions generally

Omit section 42 (5) and (6).

[9] Section 43

Insert after section 42:

43 Animal health functions

- (1) Without limiting section 42, an authority has the following functions in relation to animal health:
 - (a) the facilitation of the provision of the following types of programs (including by providing resources for such programs):
 - (i) animal disease prevention, management, control and eradication programs,
 - (ii) chemical residue prevention, management and control programs,
 - (b) the delivery of advisory services (including by providing resources for such services) related to the following:
 - (i) animal disease prevention, management, control and eradication,

(ii) chemical residue prevention, management and control,

- (c) the provision of resources for conducting animal disease surveillance programs,
- (d) the collection, collation, interpretation and reporting of animal disease surveillance information,
- (e) the maintenance of records relating to, and making reports on, the disease status and chemical residue status of stock and land,
- (f) the provision of animal health services (including advisory services and services related to animal production) with respect to stock and any other animal that has a disease that may affect stock in the authority's district,
- (g) the implementation of emergency animal disease preparedness and response programs.

Note. Functions relating to animal health are also dealt with under the memorandum of understanding entered into under section 13.

- (2) Nothing in subsection (1) (f) confers a function on an authority to provide animal health services of a kind that would ordinarily be provided by a private veterinary practitioner.

[10] Section 44 Authorities to prepare draft function management plans

Omit section 44 (1). Insert instead:

- (1) An authority must, within the periods specified by the State Council, prepare the following:
 - (a) a draft function management plan for its functions in respect of all travelling stock reserves under its care, control and management,
 - (b) a draft function management plan for its animal health functions.

[11] Section 49 Function to be exercised in accordance with relevant function management plan

Insert after section 49 (2):

- (3) In the event of an inconsistency between a function management plan and a memorandum of understanding entered into under section 13 (1) (or an instrument issued under such a memorandum of understanding), the memorandum of understanding (or instrument) prevails to the extent of the inconsistency.

[12] Section 53 Financial year of authority

Omit “1 January” from section 53 (1). Insert instead “1 July”.

[13] Section 56 What information is publicly available?

Insert after paragraph (e) of the definition of *publicly available document* in section 56 (1):

- (f) any roll required to be established and maintained by a board under clause 11 of Schedule 2.

[14] Section 56A

Insert after section 56:

56A Director-General may direct authority staff during emergency disease outbreaks

- (1) During an emergency animal disease outbreak period, the Director-General may direct members of the animal health staff of an authority to take such actions as the Director-General considers appropriate.
- (2) A member of the animal health staff of the authority is to comply with any such direction.
- (3) In this section:
 - emergency animal disease outbreak period* means a period:
 - (a) that commences on the date that an order under section 76 of the *Animal Diseases (Emergency Outbreaks) Act 1991* comes into force, and
 - (b) ends on the date that the Director-General determines, by notice in writing given to the State Council and each authority, for the purposes of this paragraph.

member of the animal health staff, of an authority, means a member of staff of the authority who is:

- (a) a veterinarian, or
- (b) an inspector within the meaning of the *Stock Diseases Act 1923*.

[15] Section 72 Appeals against assessment

Insert after section 72 (2):

- (3) Before hearing an appeal against an assessment of the notional carrying capacity of a holding, the local land board must be satisfied that the appellant has paid all rates that the appellant is liable to pay under this Act, other than any rates based on the

assessment of the notional carrying capacity that is the subject of the appeal.

[16] Section 100 Reserve use permit

Omit “on any day at any time” from section 100 (1).

[17] Section 100 (1)

Insert “in the authority’s district” after “travelling stock reserve”.

[18] Section 100 (1A)

Insert after section 100 (1):

- (1A) A reserve use permit must specify the days, or times of day, or both, that the activity, or occupation or use, is authorised.

[19] Section 101 Stock permits authorising certain uses of travelling stock reserves and public roads

Insert “in the authority’s district” after “travelling stock reserve” in section 101 (1).

[20] Section 102 Applications for stock permits and reserve use permits

Omit section 102 (2). Insert instead:

- (2) A permit must not be issued unless:
- (a) in relation to a reserve use permit (as referred to in section 100 (1))—the fee (if any) determined by the authority has been paid or arrangements have been made for payment of the fee after issue of the permit, or
 - (b) in relation to a stock permit that solely authorises a person to walk stock on a public road or travelling stock reserve (as referred to in section 101 (2) (c))—the fee (if any) determined by the authority has been paid or arrangements have been made for payment of the fee after issue of the permit, or
 - (c) in relation to a stock permit that solely authorises a person to graze stock on a public road (as referred to in section 101 (2) (d))—the fee (if any) prescribed by the regulations in respect of the permit, or such lesser amount as may be determined by the authority in accordance with subsection (2A), has been paid or arrangements have been made for payment of the fee or the lesser amount after issue of the permit, or
 - (d) in relation to a stock permit that solely authorises a person to graze stock on a controlled travelling stock reserve (as

referred to in section 101 (2) (d)—the following fee (if any) or amount has been paid or arrangements have been made for payment of the fee or amount after issue of the permit:

- (i) the fee determined by an auction, public tender or other means approved by the State Council for the permit,
 - (ii) the fee (if any) prescribed by the regulations in respect of the permit, or such lesser amount as may be determined by the authority in accordance with subsection (2A), or
- (e) in relation to any other stock permit—the fee (if any) prescribed by the regulations in respect of the permit, or such lesser amount as may be determined by the authority in accordance with subsection (2A), has been paid or arrangements have been made for payment of the fee or the lesser amount after issue of the permit.

[21] Section 102 (4)

Insert after section 102 (3):

- (4) If an authority has determined that the fee for a stock permit that solely authorises a person to graze stock on a controlled travelling stock reserve is to be determined by an auction, public tender or other means approved by the State Council (as referred to in subsection (2) (d) (i)) and such an auction, public tender or determination by other means occurs, the authority may not accept the fee or lesser amount (as referred to in subsection (2) (d) (ii)) for the permit.

[22] Section 134 Leases of stock watering places

Insert after section 134 (2):

- (3) A lease of a stock watering place may, with the approval of the controlling authority of that place, be transferred to another person.

[23] Section 144 When can a pest control order be made?

Omit section 144 (2) and (3). Insert instead:

- (2) The Minister must consult with such persons or organisations as may be prescribed by the regulations for the purposes of this subsection before making a pest control order declaring:
 - (a) any member of the animal kingdom that is a native species,
or

- (b) a game animal that is listed in section 5 (1) of the *Game and Feral Animal Control Act 2002*,
to be a pest.

[24] Sections 159–162 and 168

Omit the sections.

[25] Section 169 Eradication of pests

Insert at the end of section 169 (b):

, or

- (c) the owner or occupier of the land consents to the measures or work being taken or carried out.

[26] Section 187 Identification

Insert “or document” after “card” where secondly occurring in section 187 (3).

[27] Section 191 Notice of entry

Omit “board” from section 191 (3) (c). Insert instead “authorising authority”.

[28] Section 191 (3) (c1)

Insert after section 191 (3) (c):

- (c1) if the authorised officer concerned is a police officer and the giving of notice would defeat the purpose for which it is intended to exercise the power of entry, or

[29] Section 214A

Insert after section 214:

214A Proof of certain matters not required

In any proceedings under this Act, proof is not required (unless evidence is given to the contrary) of any of the following:

- (a) the constitution of a particular authority or district,
(b) the boundaries of a district or of a division of a district,
(c) the fact that specified land or a specified place is or is not within a particular district or a particular division of a district,
(d) the election or appointment of a board of an authority’s directors, chairperson or deputy chairperson,

- (e) the appointment of any district veterinarian or any other member of the Government Service employed to enable a board to carry out its functions,
- (f) the fact that the defendant is, or at any relevant time was, the occupier, owner, manager or caretaker of a holding or land to which the proceedings relate if the defendant is so described in the process by which the proceedings were initiated,
- (g) the fact that a holding or land to which the proceedings relate is within the jurisdiction of a particular court or local land board,
- (h) the notification, dedication, reservation or declaration of a travelling stock reserve or stock watering place.

[30] Sections 218 (2) (b) and 219 (2) (a)

Omit “any request” wherever occurring. Insert instead “any order”.

[31] Section 240 Service and giving of notices and other documents

Insert after section 240 (1) (a) (iii):

- (iv) sending it by email to the email address of the person, or

[32] Section 240 (1), note

Insert after section 240 (1):

Note. As to service by post, see section 76 of the *Interpretation Act 1987*.

[33] Section 242 Local land board appeals procedure

Omit “in the approved form” from section 242 (1).

[34] Section 242 (2)

Omit the subsection.

[35] Section 243 Regulations

Insert at the end of section 243 (2):

- (i) the selection on merit of members of the State Council and of appointed directors of boards of authorities,
- (j) the appointment of members of the State Council by the Policy Council,
- (k) the process of making, and the form and content of, the strategic plan of the State Council,

- (l) matters of a savings or transitional nature consequent on any amalgamation of districts.

[36] Schedule 1 Constitution and procedure of State Council and boards of authorities

Insert after clause 6 (5):

- (6) A resignation of a member or director in accordance with subclause (1) (c) takes effect on the date specified in the instrument of resignation or on the date that the instrument is received, in the case of a member, by the Minister or, in the case of a director, by the authority (whichever is the later).

[37] Schedule 1, clause 9

Omit clause 9 (1) and (2). Insert instead:

- (1) The board must elect one of its directors to be Chairperson, and another to be Deputy Chairperson, of the board:
 - (a) at the first meeting of the board held after a general election, and
 - (b) at the next meeting held after each anniversary of the holding of that first meeting.
- (2) A person ceases to hold office as Chairperson or Deputy Chairperson:
 - (a) if he or she:
 - (i) resigns the office, or
 - (ii) is removed from that office by the board, or
 - (iii) ceases to hold office as a director, or
 - (b) at the conclusion of the meeting of the board at which a successor in office is elected.
- (2A) The Chairperson or Deputy Chairperson does not cease to be a director merely because he or she ceases to be Chairperson or Deputy Chairperson.
- (2B) If a vacancy occurs in the office of Chairperson or Deputy Chairperson, the board must, at the next meeting, elect one of its directors to fill that vacancy.

[38] Schedule 1, clause 15

Insert after clause 15 (2):

- (3) If the offices of Chairperson and Deputy Chairperson of a board of an authority are vacant, the senior administrative member of staff of the authority is to convene any meeting of the board required by this clause.

[39] Schedule 5 Sale of land for unpaid money owing to board

Insert “and the expenses of the authority incurred in connection with the proposed sale” after “charges” in clause 5 (2) (a).

[40] Schedule 5, clause 5 (2) (b)

Omit “and charges”. Insert instead “, charges and expenses”.

[41] Schedule 7 Savings and transitional provisions

Insert at the end of clause 1 (1):

Rural Lands Protection Amendment Act 2008

[42] Schedule 7, Part 6

Insert at the end of the Schedule:

Part 6 Provisions consequent on enactment of Rural Lands Protection Amendment Act 2008

38 Definition

In this Part, *amending Act* means the *Rural Lands Protection Amendment Act 2008*.

39 Continuation of State Council

- (1) The State Council is a continuation of, and the same legal entity as, the State Council of Rural Lands Protection Boards.
- (2) A reference to the State Council of Rural Lands Protection Boards (however described) in any other Act or instrument is taken to be a reference to the State Council.

40 Rural lands protection districts and boards

- (1) A rural lands protection district existing immediately before the commencement of the amending Act is taken to be a livestock health and pest district constituted under section 5.

- (2) A rural lands protection board existing immediately before the commencement of the amending Act is taken to be a livestock health and pest authority constituted under section 37.
- (3) A reference to a rural lands protection district (however described) in any other Act or instrument is taken to be a reference to a livestock health and pest district constituted under this Act.
- (4) A reference to a rural lands protection board (however described) in any other Act or instrument is taken to be a reference to a livestock health and pest authority constituted under this Act.

41 First periodic elections for boards of authorities

- (1) At the first meeting of each board after the general election held in 2013, the directors so elected are to be divided, in accordance with the method set out in the regulations, into:
 - (a) two year term directors, and
 - (b) four year term directors.
- (2) The term of office of:
 - (a) a two year term director expires on the day immediately before the periodic election to be held in 2015, and
 - (b) a four year term director expires on the day immediately before the periodic election to be held in 2017.
- (3) The following periods of time in relation to a person are to be disregarded for the purposes of clause 9 (3) of Schedule 2:
 - (a) any term of office of a two year director between 2013 and 2015,
 - (b) any period of time served by a director on a board before 1 May 2009.

42 Authority contributions to State Council's fund in 2009

Despite section 31, the contribution to be made by each authority to the State Council for the purpose of enabling the State Council to carry out its functions in calendar year 2009 is to be determined by the State Council.

43 Guidelines

A guideline issued by the State Council under section 25 before its repeal by the amending Act is taken to have been made under section 23.

44 Rating during calendar year 2009

- (1) During calendar year 2009, a rate may consist of:
 - (a) a base amount, and
 - (b) an amount payable for each stock unit based on the total notional carrying capacity of rateable land in the district.
- (2) During calendar year 2009, an authority of a district that was constituted by amalgamation on 1 January 2009 may make and levy different rates for the different constituent parts of its district.
- (3) In this clause, *constituent parts* of an amalgamated district means the divisions of districts and parts of divisions of districts that have been amalgamated by a proclamation under section 5 to constitute the amalgamated district.

45 Remuneration of members of State Council and directors

- (1) A determination of remuneration for a member of the State Council under clause 5 (1) of Schedule 1, as in force immediately before its amendment by the amending Act, continues in force as if it had been made by the Minister after that amendment.
- (2) A determination of remuneration for a director of a board under clause 5 (2) of Schedule 1, as in force immediately before its amendment by the amending Act, continues in force as if it had been made by the Minister after that amendment.

46 Interim State Council

- (1) On the commencement of this clause, all members of the State Council cease to hold office.
- (2) The Minister may, by order published in the Gazette:
 - (a) appoint a person specified in the order as administrator of all the functions of the State Council, or
 - (b) appoint up to 9 persons (being persons who have previously served as members of the State Council) as interim members of the State Council.
- (3) The administrator or interim members hold office (subject to this Act) until immediately before the first meeting of the State Council (as constituted by members appointed in accordance with section 20).
- (4) An administrator appointed under this clause has and may exercise, subject to any conditions specified in the order appointing the administrator, the functions of the State Council

specified in the order. Any delegation or authority made or conferred by the State Council in respect of any function of the State Council that may be exercised by an administrator appointed under this clause ceases to have effect on that appointment.

- (5) A person appointed as an interim member of the State Council by an order under this clause has and may exercise, subject to any conditions specified in the order, all the functions of a member of the State Council.
- (6) The Minister is to call the first meeting of the State Council (as constituted by members appointed in accordance with section 20) in such manner as the Minister thinks fit.
- (7) Schedule 1 applies, with such modifications as are necessary, to and in respect of any such interim State Council.

47 Changing of financial year

The financial year of the State Council and an authority that commences on 1 January 2009 is taken to end on 30 June 2010.

[43] Dictionary

Omit the definition of *district veterinarian*.

[44] Dictionary

Insert in alphabetical order:

local land board means a local land board constituted under the *Crown Lands Act 1989* or under the *Western Lands Act 1901*.

[45] Dictionary, definition of “owner”

Omit paragraph (c) of the definition. Insert instead:

- (c) the person entitled to an estate of freehold in possession:
 - (i) whether in fee simple or for life or otherwise, or
 - (ii) whether at law or in equity, or
 - (iii) whether absolutely or by way of mortgage, or

Schedule 6 Amendment of other Acts and instruments

(Section 4)

6.1 Agricultural Livestock (Disease Control Funding) Act 1998 No 139

[1] Section 3 Definitions

Omit the definition of *carrying capacity*.

[2] Sections 7 (2) (c) and 8 (3) (c)

Omit “State Council of Rural Lands Protection Boards” wherever occurring.

Insert instead “State Management Council of Livestock Health and Pest Authorities”.

[3] Section 12A Making of non-transaction based contributions

Omit “rural lands protection boards” from section 12A (2).

Insert instead “livestock health and pest authorities”.

[4] Section 14 Liability to pay industry levy

Omit “levied according to the carrying capacity of the land” from section 14 (1).

Insert instead “made in accordance with the regulations”.

[5] Section 16 Amount of industry levy

Omit “if the carrying capacity of the ratable land does not exceed a minimum carrying capacity” from section 16 (2).

Insert instead “in the circumstances prescribed by the regulations”.

[6] Sections 22, 23 and 24

Omit “rural lands protection board”, “such board” and “the board” wherever occurring.

Insert instead “livestock health and pest authority”, “such authority” and “the authority”, respectively.

[7] Section 25 Review of industry levy based funding decisions

Omit section 25 (2).

6.2 Apiaries Act 1985 No 16

Section 15A Forfeiture of beehives in certain cases

Omit “responsible board” from paragraph (c) of the definition of *controller* in section 15A (11).

Insert instead “responsible authority”.

6.3 Criminal Procedure Act 1986 No 209

Section 3 Definitions

Omit “rural lands protection board” from the definition of *public officer* in section 3 (1).

Insert instead “livestock health and pest authority”.

6.4 Crown Lands Act 1989 No 6

[1] Sections 3 (1), definition of “government agency” and 138 (5), definition of “public authority”

Omit “rural lands protection board” wherever occurring.

Insert instead “livestock health and pest authority”.

[2] Sections 34A (5) (c) and 102A (1)

Omit “rural lands protection board” wherever occurring.

Insert instead “livestock health and pest authority”.

6.5 Crown Lands Regulation 2006

[1] Clause 49A

Insert after clause 49:

49A Local land board hearings—rural lands protection appeals

An appeal made to a local land board under section 242 of the *Rural Lands Protection Act 1998* is to be in an approved form and is to be accompanied by the fee specified in Schedule 1.

[2] Schedule 1 Fees and deposits

Insert at the end of the Schedule:

16	Appeal to local land board under section 242 of the <i>Rural Lands Protection Act 1998</i> (clause 49A)	63
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6.6 Deer Act 2006 No 113

[1] Section 9 Consultation and approval before making deer control order

Omit “State Council of Rural Lands Protection Boards” from section 9 (1) (b).
Insert instead “State Management Council of Livestock Health and Pest Authorities”.

[2] Section 9 (1) (c)

Omit “rural lands protection board”.
Insert instead “livestock health and pest authority”.

6.7 Duties Act 1997 No 123

Section 267 Exemptions

Omit “**Rural lands protection board**” and “rural lands protection board”.
Insert instead “**Livestock health and pest authority**” and “livestock health and pest authority”, respectively.

6.8 Fines Act 1996 No 99

Section 3 Definitions

Omit “rural lands protection board” from the definition of *law enforcement officer* in section 3 (1).
Insert instead “livestock health and pest authority”.

6.9 Firearms Act 1996 No 46

Section 12 Genuine reasons for having a licence

Omit “Rural Lands Protection Boards” from the Table to the section.
Insert instead “Livestock Health and Pest Authorities”.

6.10 First State Superannuation Act 1992 No 100

Schedule 1 Employers

Omit “rural lands protection board”.
Insert instead “livestock health and pest authority”.

6.11 Forestry Act 1916 No 55

[1] Section 30 Definitions

Omit “rural lands protection board” and “the board” from paragraph (c) of the definition of *landholder*.

Insert instead “livestock health and pest authority” and “the authority”, respectively.

[2] Section 30

Omit the definition of *responsible board*.

Insert instead:

responsible authority has the same meaning as it has in Part 8 of the *Rural Lands Protection Act 1998*.

[3] Sections 30E and 30F

Omit “responsible board” wherever occurring.

Insert instead “responsible authority”.

6.12 Game and Feral Animal Control Act 2002 No 64

[1] Sections 8 (2) (b) and 10 (3) (c)

Omit “State Council of Rural Lands Protection Boards” wherever occurring.

Insert instead “State Management Council of Livestock Health and Pest Authorities”.

[2] Section 9 Functions of Game Council

Omit “rural lands protection boards” from section 9 (1) (e).

Insert instead “livestock health and pest authorities”.

[3] Section 17 Exemptions from licensing

Omit “rural lands protection board” from section 17 (1) (f).

Insert instead “livestock health and pest authority”.

6.13 Gene Technology (GM Crop Moratorium) Act 2003 No 12

Section 9 Notification of making an order

Omit “rural lands protection board” from section 9 (1A) (b) (ii).

Insert instead “livestock health and pest authority”.

6.14 Impounding Act 1993 No 31

[1] Section 11 Impounded animals to be delivered to pound

Omit “rural lands protection board” and “the board” wherever occurring.

Insert instead “livestock health and pest authority” and “the authority”, respectively.

[2] Section 11 (4A) (a)

Omit “the district veterinarian”.

Insert instead “a veterinarian employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service (for example a veterinarian who is a member of staff of a livestock health and pest authority)”.

[3] Dictionary

Omit “rural lands protection board” and “the board” wherever occurring from the definitions of *area of operations* and *impounding authority*.

Insert instead “livestock health and pest authority” and “the authority”, respectively.

6.15 Land and Environment Court Act 1979 No 204

Section 20 Class 4—environmental planning and protection and development contract civil enforcement

Omit “clauses 14–17” from section 20 (1) (cn). Insert instead “clauses 15–18”.

6.16 Land Tax Management Act 1956 No 26

Section 10 Land exempted from tax

Omit “rural lands protection board” from section 10 (1) (b).

Insert instead “livestock health and pest authority”.

6.17 Local Court Act 2007 No 93

Section 43 Definitions

Omit “rural lands protection board” from the definition of *public officer*.

Insert instead “livestock health and pest authority”.

6.18 Local Courts Act 1982 No 164

Section 4 Definitions

Omit “rural lands protection board” from the definition of *public officer* in section 4 (1).

Insert instead “livestock health and pest authority”.

6.19 Meat Industry Act 1978 No 54

[1] Section 59A Meat industry levy

Omit section 59A (2). Insert instead:

- (2) The amount of the levy payable by an occupier under subsection (1) is the lesser of the following:
 - (a) the sum calculated in the manner prescribed by the regulations,
 - (b) \$130 (or such other amount as may be prescribed).

[2] Section 59A (4) and (5)

Omit the subsections. Insert instead:

- (4) If an occupier of land within the same or different districts within the meaning of the *Rural Lands Protection Act 1998* pays to the Food Authority or its agents meat industry levies in respect of different parcels of land the total of which exceed \$130 (or, if an amount is prescribed for the purposes of subsection (2) (b), that amount), the Food Authority or its agent must, on the application of the occupier, refund to the occupier the amount of the excess.

[3] Section 59J Collection of meat industry levies

Omit “a board” and “boards” wherever occurring.

Insert instead “an authority” and “authorities”, respectively.

6.20 National Parks and Wildlife Act 1974 No 80

[1] Section 5 Definitions

Omit the definition of *rural lands protection board* from section 5 (1).

Insert instead in alphabetical order:

livestock health and pest authority means a livestock health and pest authority constituted under the *Rural Lands Protection Act 1998*.

[2] Sections 40 (2), 53 (2) and 139 (2) (n)

Omit “rural lands protection board” wherever occurring.

Insert instead “livestock health and pest authority”.

[3] Section 141 Payment of rates to livestock health and pest authorities in Western Division

Omit section 141 (1). Insert instead:

- (1) In this section, *authority* means a livestock health and pest authority for a livestock health and pest district within the meaning of the *Rural Lands Protection Act 1998*.

[4] Section 141 (2) and (4)

Omit “a board” and “the board” wherever occurring.

Insert instead “an authority” and “the authority”, respectively.

6.21 Non-Indigenous Animals Act 1987 No 166

Section 7 The advisory committee

Omit “State Council of Rural Lands Protection Boards” from section 7 (4) (e).

Insert instead “State Management Council of Livestock Health and Pest Authorities”.

6.22 Noxious Weeds Act 1993 No 11

[1] Dictionary

Omit “rural lands protection board, the board” from paragraph (d) of the definition of *occupier of land*.

Insert instead “livestock health and pest authority constituted under the *Rural Lands Protection Act 1998*, the authority”.

[2] Dictionary

Omit the definition of *rural lands protection board*.

6.23 Poisons and Therapeutic Goods Act 1966 No 31

Section 5 Exemption from operation of Act

Omit “rural lands protection board” wherever occurring in section 5 (1).

Insert instead “livestock health and pest authority”.

6.24 Prevention of Cruelty to Animals Act 1979 No 200

Sections 8 (4) and 29C (3) (a)

Omit “rural lands protection board” wherever occurring.

Insert instead “livestock health and pest authority”.

6.25 Public Finance and Audit Act 1983 No 152

Schedule 2 Statutory bodies

Omit “State Council of Rural Lands Protection Boards”.

Insert instead “State Management Council of Livestock Health and Pest Authorities”.

6.26 Public Sector Employment and Management Act 2002 No 43

[1] Schedule 1 Divisions of the Government Service

Omit the matter relating to the Rural Lands Protection Boards Division from Part 2 of the Schedule. Insert instead in alphabetical order:

Livestock Health and Pest Authorities Division	Chief Executive Officer of the State Management Council of Livestock Health and Pest Authorities (and the Chairperson of the State Management Council in relation to the Chief Executive Officer)
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[2] Schedule 1, Part 2

Omit the matter relating to the State Council of Rural Lands Protection Boards Division from Columns 1 and 2. Insert instead in alphabetical order:

State Management Council of Livestock Health and Pest Authorities Division	Chairperson of the State Management Council
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6.27 Roads Act 1993 No 33

Section 133 (2) (b) and paragraph (c) of the definition of “unoccupied Crown land” in the Dictionary

Omit “rural lands protection board” wherever occurring.

Insert instead “livestock health and pest authority”.

6.28 Rural Lands Protection (General) Regulation 2001

[1] Clause 44 Applications for permits

Omit clause 44 (4). Insert instead:

(4) Fee for issue of permit

For the purposes of section 102 (2) (c) and (d) (ii) of the Act, the following fee (being a fee in respect of a stock permit that solely authorises a person to graze stock on a public road or a stock permit that solely authorises a person to graze stock on a controlled travelling stock reserve) is prescribed:

- (a) for small stock—\$1 per day for each 10 or less small stock,
- (b) for large stock—\$1 per day for each large stock.

(5) For the purposes of section 102 (2) (e) of the Act, the fee of \$10 per annum is prescribed.

[2] Part 6B

Insert after Part 6A:

Part 6B Pests

54D Minister to consult with NSW Pest Animal Council before making certain pest control orders

The NSW Pest Animal Council is prescribed for the purposes of section 144 (2) of the Act.

[3] Clause 61 Animal health functions of board

Omit the clause.

[4] Schedule 2 Elections

Insert in alphabetical order in clause 1:

enrolment officer means the enrolment officer authorised by the State Council to act as the enrolment officer for an authority under Schedule 2 to the Act.

[5] Schedule 2, clause 29 (3) and (4)

Omit “authorised officer” wherever occurring.

Insert instead “enrolment officer”.

6.29 State Authorities Non-contributory Superannuation Act 1987 No 212

Schedule 1 Employers

Omit “rural lands protection board”.

Insert instead “livestock health and pest authority”.

6.30 State Authorities Superannuation Act 1987 No 211

Schedule 1 Employers

Omit “rural lands protection board”.

Insert instead “livestock health and pest authority”.

6.31 Stock Diseases Act 1923 No 34

[1] Section 9 Occupier etc to give notice

Omit section 9 (3) (a) and (b). Insert instead:

- (a) the livestock health and pest authority for the livestock health and pest district in which the stock are then located, or

[2] Section 9 (4)

Omit “ranger, district veterinarian”. Insert instead “authority”.

[3] Section 23 Regulations

Omit “rural lands protection board established under the *Rural Lands Protection Act 1989* (or any Act amending or replacing that Act)” from section 23 (4).

Insert instead “livestock health and pest authority constituted under the *Rural Lands Protection Act 1998*”.

6.32 Superannuation Act 1916 No 28

Schedule 3 List of employers

Omit “rural lands protection board”.

Insert instead “livestock health and pest authority”.

6.33 Western Lands Regulation 2004

Clause 29A

Insert after clause 29:

29A Local land board hearings—rural lands protection appeals

An appeal made to a local land board under section 242 of the *Rural Lands Protection Act 1998* is to be in an approved form and is to be accompanied by the approved fee.

6.34 Wild Dog Destruction Act 1921 No 17

[1] Section 3A The Wild Dog Destruction Board

Omit section 3A (5) (a)–(c). Insert instead:

- (a) two are to be appointed on the nomination of the livestock health and pest authority for the Western Livestock Health and Pest District,
- (b) one is to be appointed on the nomination of the livestock health and pest authority for the Darling Livestock Health and Pest District,

[2] Sections 3A (8) and 3B

Omit “rural lands protection boards”, “such board”, “the board” and “rural lands protection board” wherever occurring.

Insert instead “livestock health and pest authorities”, “such authority”, “the authority” and “livestock health and pest authority”, respectively.

[Agreement in principle speech made in Legislative Assembly on 14 November 2008
Second reading speech made in Legislative Council on 2 December 2008]

BY AUTHORITY