



New South Wales

Border Fence Maintenance Regulation 2018

under the

Border Fence Maintenance Act 1921

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Border Fence Maintenance Act 1921*.

NIALL BLAIR, MLC

Minister for Primary Industries

Explanatory note

The object of this Regulation is to repeal and remake, with no significant amendments, the provisions of the *Border Fence Maintenance Regulation 2009*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the annual rates payable under that Act,
- (b) the interest payable on overdue rates,
- (c) the form in which rate notices are to be issued,
- (d) savings and formal matters.

This Regulation is made under the *Border Fence Maintenance Act 1921*, including sections 12, 12A, 14 and 31 (the general regulation-making power).

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Border Fence Maintenance Act 1921

1 Name of Regulation

This Regulation is the *Border Fence Maintenance Regulation 2018*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note. This Regulation repeals and replaces the *Border Fence Maintenance Regulation 2009*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Border Fence Maintenance Act 1921*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Annual rates

For the purposes of section 12 (1A) of the Act, the annual rate that may be imposed and collected on land within the Western Division is, in respect of the year 2018 and each subsequent year, 5.5 cents per hectare.

5 Interest on overdue rates

For the purposes of section 12A (2) of the Act, the prescribed rate of interest is the rate prescribed under section 101 of the *Civil Procedure Act 2005* with respect to the payment of interest on a judgment debt.

6 Rate notice

For the purposes of section 14 (1) of the Act, the prescribed form of rate notice is a form in writing that includes the following particulars:

- (a) the heading “Border Fence Maintenance Act 1921—Rate Notice”,
- (b) the notice number,
- (c) the date of issue of the notice,
- (d) the name of the person liable to pay the rate,
- (e) a description of the land in respect of which the rate is imposed,
- (f) the area (in hectares) of the land,
- (g) the prescribed amount per hectare per year of the rate (being the rate prescribed by clause 4),

- (h) the amount of the rate imposed under the notice in respect of the land,
- (i) the date (being at least 28 days after the notice is to be given) on which the rate is due and payable to and recoverable by the board (the *due date*),
- (j) the person or authorised deposit-taking institution to which payment of the rate may be made,
- (k) the interest rate that is to apply if any part of the rate is unpaid at the expiration of 12 months from the due date (being the rate prescribed by clause 5).

7 Repeal

The *Border Fence Maintenance Regulation 2009* is repealed.

8 Savings

Any act, matter or thing that, immediately before the repeal of the *Border Fence Maintenance Regulation 2009*, had effect under that Regulation continues to have effect under this Regulation.