

RURAL LANDS PROTECTION BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to consolidate and update as a single measure the provisions of the Pastures Protection Act 1934, the Registration of Stock Brands Act 1921 and the Noxious Insects Act 1934.

The Bill provides for the constitution of rural lands protection districts (formerly pastures protection districts). It also provides for the establishment of rural lands protection boards and for existing pastures protection boards to become rural lands protection boards. The election and, in exceptional circumstances, appointment of directors of boards is provided for and provision is made for the appointment of district veterinarians. The statutory responsibilities of the Council of Advice, the peak body for rural lands protection boards, are set out in the Bill. The Bill makes provision for land within a rural lands protection district to be assessed for rates and for the levying and collection of rates. The proceeds from the collection of rates will continue to provide finance to enable a board to carry out its functions.

The Bill makes provision for animal health matters (which the existing legislation does not do) and introduces a new system for regulating the use of travelling stock reserves (a term which under the Bill will continue to embrace stock camping reserves). Provision is made for impounding abandoned and trespassing stock and for the control and use of stock watering places (which are currently known as public watering-places). The Bill also provides for the suppression and destruction of noxious animals and noxious insects and for the erection and maintenance of rabbit proof, dog proof and marsupial proof fences.

At present, the registration of brands for horses and cattle is governed by the Registration of Stock Brands Act 1921 while the registration of brands and earmarks for sheep and goats is dealt with in Part 8 of the Pastures Protection Act 1934. These registration systems are to be unified and the registration of all stock brands, earmarks and other forms of stock identification is to be administered by boards.

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The Bill also includes measures for its enforcement and other matters of an ancillary nature.

PART 1 - PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day or days.

Clause 3 defines certain expressions for the purposes of the proposed Act. Among the expressions defined are "noxious animal" which means a rabbit, wild dog or feral pig or any animal or bird of any other species declared by order made by the Minister to be a species of noxious animal and "noxious insect" which means an Australian plague locust or an insect of any other species of insect declared by such an order to be a species of noxious insect.

PART 2 - RURAL LANDS PROTECTION BOARDS

Division 1 - Rural lands protection districts

Clause 4 will empower the Governor-in-Council to constitute rural lands protection districts.

Clause 5 will require the Minister to divide each rural lands protection district into 4 divisions, unless the district is exempted under the clause.

Division 2 - Constitution of rural lands protection boards

Clause 6 provides for the establishment of a rural lands protection board ("board") for each rural lands protection district constituted under the proposed Act. Each board is to be a corporation.

Clause 7 provides for the appointment of an administrator to manage the affairs of a board, pending the election of directors of the board.

Clause 8 provides, in certain circumstances, for the dissolution of a board established for an existing district and the vesting of its property in and assignment of rights and obligations to another board.

Division 3 - Functions of boards

Clause 9 will confer on a board certain general functions. These include the levying and collection of a general rate and an animal health rate, the care, control and management of travelling stock reserves (including camping reserves and stock watering places), the supervision of the suppression and destruction of noxious animals and noxious insects, the erection and maintenance of certain fences and the registering of brand and earmark designs and other means of stock identification.

Clause 10 will enable a board to purchase, or sell to an occupier of ratable land, certain devices, substances, signs and articles to enable requirements under the proposed Act to be fulfilled.

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Clause 11 will confer on a board certain functions with respect to natural disasters.

Clause 12 will authorise a board to act as agent for the Meat Industry Authority by issuing notices in respect of, and then collecting, meat industry levies.

Clause 13 sets out the borrowing powers of boards. Borrowings may be by way of limited overdraft on current account or the Minister may authorise a board to borrow in some other way.

Division 4 - Election of directors

Clause 14 will require the Minister to fix a date in every fourth year for the general election of directors of a board. Directors elected at a general election will take office on 1 November following the election. The clause also provides for what is to happen if an election fails and fixes the time when directors will cease to hold office.

Clause 15 provides that, except where the vacancy arises within the 6 months preceding a general election, a board must, within 3 months after a casual vacancy arises in the office of a director of the board, hold a special election of electors to fill the vacancy. If the vacancy is not filled, the Minister is to be empowered to appoint a person to fill the vacancy.

Clause 16 contains provisions that are to apply to both general elections and elections to fill a casual vacancy. Elections are to be conducted by post in accordance with procedures prescribed by the regulations.

Division 5 - Enrolment and voting qualifications and qualifications for election etc.

Clause 17 defines a holding for the purposes of the Division. The clause provides that, if a holding of land is located within 2 or more districts, or 2 or more divisions, it is to be regarded as being located wholly within the district or division in which the larger part lies. If the parts are equal, the part on which the principal residence is situated is to be regarded as the larger part.

Clause 18 will require a board to establish and maintain an electors' roll containing the name and address of every person entitled to be enrolled in respect of a holding that is located within the board's district.

Clause 19 specifies the persons who will be eligible to be enrolled as voters in respect of holdings.

Clause 20 specifies the persons who will be qualified to vote at an election of directors of a board.

Clause 21 specifies the persons who will be qualified for election or appointment as directors of a board.

Division 6 - Staff

Clause 22 provides for the appointment, by a board, of a district veterinarian. Such an appointment will be subject to the prior approval of the Chief of the Division of Animal Health in the Department of Agriculture and Fisheries. A district veterinarian is to be subject to the control and direction of the Chief of that Division

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but will be required to account to the board with respect to time spent on animal health matters. The clause also deals with the terms of employment of district veterinarians.

Clause 23 will empower the Minister to appoint a suitable person to perform the functions of a district veterinarian during the veterinarian's illness, suspension from duty or absence or, if a vacancy occurs in the office of a veterinarian, until the vacancy can be filled.

Clause 24 will empower a board to appoint a secretary, rangers, noxious animal inspectors and other employees of classes prescribed by the regulations or approved by the Minister to enable the board to perform its functions. The clause also provides for the terms of employment of such employees. An appointment as a ranger is to be subject to the approval of the Regional Director of Veterinary Services.

Clause 25 will authorise a board, with the approval of the Regional Director of Veterinary Services, to appoint temporary employees for a period of no longer than 3 months if there is no person available for permanent appointment to fill a vacancy in an office referred to in proposed section 24. However, appointments under the clause can be renewed.

Clause 26 will authorise a board to second any of its employees to a board of another district. The clause will also allow the secondment of a district veterinarian with the consent of the Regional Director of Veterinary Services.

Clause 27 provides for the apportionment of certain long service leave payments between 2 or more boards in such manner as the Minister directs in respect of persons appointed under proposed section 22 or 24.

Division 7 - Financial provisions

Clause 28 provides for the financial year of a board.

Clause 29 provides for a board to keep such accounting records as will correctly record and explain the board's financial transactions and in such manner as will facilitate the preparation and auditing of the board's income and expenditure account and annual balance sheet.

Clause 30 will require a board, within 3 months after the end of its financial year, to prepare an income and expenditure account and a balance sheet for its last financial year. A board will, within 4 months after the end of its financial year, be required to send to the Minister and, on request, to the Auditor-General, copies of its accounts and the auditor's report. A board will also be required to publish a summary of the accounts and report in at least one local newspaper.

Clause 31 will require a board to establish and maintain a rural lands protection fund and pay into it certain money paid to or recovered by the board. A board will be authorised to pay out of its fund certain expenses, including expenses incurred in the exercise of its functions.

Clause 32 will require a board for a district that is located in the Eastern and Central Division to open a wild dog fund to be used for the suppression and destruction of wild dogs if the Minister so directs.

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Clause 33 will require a board for a district that is located within the Eastern and Central Division to maintain a reserves improvement fund. The fund will enable the board to exercise its functions in relation to the reserves and stock watering places under its control.

Clause 34 will require a board for a district located within the Western Division to maintain a stock watering places fund. The fund will enable the board to exercise its functions in relation to the reserves and stock watering places under its control.

Clause 35 will require a board (unless otherwise approved by the Minister) to establish a noxious insects fund into which there is to be paid levies paid or recovered under Part 10 of the proposed Act which are to be held in the fund until such time as they are remitted to the Minister.

Clause 36 will authorise a board, with the Minister's consent, to open a special fund for purposes not covered by any other fund. It will be unlawful for a special fund to be applied for any other purpose than that for which it was established.

Clause 37 will require a board to appoint at least one qualified auditor to audit its accounts within 1 month of the board being established, or 1 month after the commencement of the clause if it is a board continued in existence by the proposed Act and has no such auditor.

Clause 38 will allow the Auditor-General at any time, or require the Auditor-General if requested by the Minister, to conduct a special audit of a board's accounts. If the audit is conducted at the Minister's request, the cost of the audit will be payable from the board's rural lands protection fund.

Clause 39 sets out the powers and duties of auditors with respect to reporting on the accounts prepared by the board and on the board's accounting records and other records relating to those accounts. If a board's auditor becomes aware of a failure to comply with a provision under proposed Division 7 or of a contravention of any provision of the proposed Act, the auditor will be required to report the matter immediately to the Minister by notice in writing.

Clause 40 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000) or imprisonment for a term not exceeding 12 months, for a director or employee of a board to hinder, obstruct or delay an auditor of the board in any way when the Auditor is exercising his or her functions.

Clause 41 will enable the Auditor-General to disallow any expenditure that has been improperly incurred by or on behalf of a board or any improper entry or transfer appearing in the board's accounting records. The Auditor-General will be required to surcharge directors or employees who have incurred or authorised the expenditure with the amount of the improper expenditure, entry or transfer. If surcharged, a director or employee will have a right of appeal against the surcharge to the Local Court nearest to the board's principal place of administration.

Division 8 - Administration of affairs of board

Clause 42 will authorise the Governor-in-Council to appoint an administrator to manage the affairs of a board if:

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- * the board has insufficient directors to form a quorum;
- * the board continues to exercise a function that is not conferred or imposed on it; or
- * a board has failed to carry out any required duty or responsibility.

Proposed Schedule 3 applies to an administrator so appointed. If there are insufficient directors to form a quorum of a board, the Governor-in-Council will, instead of appointing an administrator, be empowered to appoint the necessary number of persons to hold office as directors until the vacancies can be filled as provided by the proposed Act.

Clause 43 will require an administrator appointed under proposed section 42 to hold a general election of directors of a board when directed by the Minister to do so.

Division 9 - Other administrative matters

Clause 44 will require a board to designate a place within its district as its principal place of administration and to notify the Minister of that place.

Clause 45 will require a board to prepare an annual report of its activities and submit a copy of it to the Council of Advice within 2 months after the end of each financial year. Such a report will be required to be prepared in accordance with the Council's requirements.

Clause 46 will require a board to keep signed minutes of all proceedings of meetings of the board.

Clause 47 will entitle a rural lands protection board to be represented by a legal practitioner or other agent at any proceedings before a local land board concerning the rural lands protection board.

Clause 48 will empower the Minister, the Auditor-General or a person authorised in writing to require a board or a director or employee of a board to produce for inspection any of the board's accounting or other records. The clause will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a board, director or employee to fail to comply with such a requirement.

Clause 49 will enable a board to charge interest at a prescribed rate on amounts that are unpaid and owing to it at the end of a period to be prescribed by the regulations, but this provision will not apply to unpaid rates (which are dealt with in proposed Part 4).

PART 3 - COUNCIL OF ADVICE

Clause 50 relates to the Council of Advice. The clause specifies the Council's functions under the proposed Act and, in particular, provides for the Council:

- * to be a medium of communication between boards and the Government;
 - * to hold inquiries and report on matters relating to primary industry or rural land when requested by the Minister; and
- to represent boards on committees that the Minister has established in relation to primary industry or rural land.

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When the Minister receives a report from the Council with respect to a matter that the Minister has referred to the Council for advice, the Minister will be empowered to give a direction to boards generally or to a particular board with respect to that matter.

Clause 51 will enable the Council of Advice to negotiate on behalf of the Rural Lands Protection Boards' Association an agreement or arrangement with the Meat Industry Authority with respect to the collection and recovery of meat industry levies. The Council may enter into such an agreement or arrangement on behalf of that Association.

Clause 52 will require the Council of Advice to prepare a written annual report concerning the activities of all boards and submit a copy of it to the Minister by 30 June in each year. If a board fails to submit to the Council a report of its activities in time for inclusion in the annual report, the Council will be required to include a statement in that report concerning the non-inclusion.

PART 4 - RATES

Division 1 - General and animal health rates

Clause 53 will require a board, for each year beginning on 1 January, to levy a general rate on the occupiers of all ratable land within its district and also an animal health rate on occupiers who keep not fewer than 50 stock, or some other number prescribed by the regulations. (For the purposes of the clause, stock under the age of 6 months and the first 5 horses kept on a holding are not to be counted.) With the approval of the Minister, a board will be permitted to fix minimum rates in respect of the general rate and animal health rate and to vary those rates.

Clause 54 will require a board to calculate the amount of the general rate and animal health rate according to the carrying capacity of the ratable land. This clause prescribes methods for calculating the general rate payable if the relevant ratable land does not have a carrying capacity or if the amount of the general rate or the animal health rate is less than the minimum general rate or minimum animal health rate that has been fixed by the board.

Division 2 - Boards to assess carrying capacity of land

Clause 55 will require a board to assess stock unit equivalents (other than for pigs) by reference to dry stock units determined by the board and calculated as set out in the clause. The clause provides that, if a board has assessed the carrying capacity of particular land, a reference to the carrying capacity will be a reference to the number of stock unit equivalents that, as last assessed by the board, could be maintained on that land in an average season under usual local management practices. The clause sets out the matters to be taken into account when assessing the carrying capacity of particular land.

Clause 56 provides that, if a board decides that any particular land is a feedlot or an intensive piggery on which there were on 30 June of the last preceding year not fewer than 50 stock unit equivalents, or some other number prescribed by the regulations, the occupier of the land will be liable to pay to the board an animal

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health rate in respect of the land for the following year. The clause sets out the matters to be taken into account when assessing the carrying capacity of a feedlot or an intensive piggery.

Clause 57 will require an occupier of land within, and an owner of stock kept within, a district, and a proprietor of each brand or earmark design registered by the district registrar, to lodge with the board an annual return giving details of prescribed matters. This clause will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for such a person to fail to lodge the return by the prescribed date. A board will be expected to levy both a general rate and an animal health rate even if the person concerned has not lodged an annual return, and will be able to issue a rate notice in respect of rates unpaid for not more than 5 years.

Clause 58 will require a person to whom clause 57 applies to provide a board with information relating to a matter referred to in clause 57 in respect of land or stock so that the board may verify or update its records or the accuracy of information contained in the person's annual return. The clause will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for the person to fail to comply with the requirement.

Clause 59 specifies the purposes for which information provided under clause 57 or 58 may be used. Those purposes include the verification of the carrying capacity of land, the efficient administration of animal health and production services by the board or the Minister and the preparation of statistical data concerning animal health or the protection of rural land.

Clause 60 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to take land on a short tenure (being a lease from the Crown not exceeding 3 years) without lodging a surety with the board concerned. The amount of such a surety may be equal to the total amount of rates payable if that land had not been Crown land. The clause sets out a method of calculating what amount is to be forfeited at the end of the tenure.

Clause 61 provides that, if an occupier or owner of land is dissatisfied with a board's assessment of the carrying capacity of the land, the occupier or owner will, within 60 days after the service of the relevant rate notice based on the assessment, be entitled to apply in writing to the board for a review. If the occupier or owner is dissatisfied with the decision of the board following the review, he or she will, within 30 days after the service of the board's decision, be entitled to appeal to the local land board. The local land board's decision on the hearing of an appeal is to be final.

Division 3 - Liability for rates

Clause 62 provides that the occupier of ratable land will be primarily liable for the payment of a rate in respect of the land, being payable 31 days from service of the rate notice. Two or more occupiers who hold the land jointly or in common will be jointly and severally liable for a rate payment but as between themselves will be liable for such part of the rate as is proportionate to the occupier's interest in the land. The owner of the land (not being land the subject of a lease, licence or purchase from the Crown) will be liable for the payment of the unpaid rate and will be able to recover the amount from the occupier.

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Clause 63 sets out a formula to be used to calculate the rate liability of an occupier of previously unoccupied Crown land.

Clause 64 provides that, if a person ceases to be the occupier or owner of any land in respect of which a rate is payable, the person will continue to be liable for the rate where the rate is levied before the person ceases to be the occupier or owner or before the board has received the prescribed notice under proposed section 65. If the person pays any rate which is levied after the person ceases to be an occupier or owner and before the board has received the prescribed notice, the person will be entitled to recover the amount from any person who later becomes the occupier or owner.

Clause 65 will make it an offence, punishable by a fine not exceeding 10 penalty units (\$1,000), for a person to fail to give the prescribed notice to a board within 1 month after ceasing to be or becoming the occupier or owner of ratable land. The limitation period for commencing proceedings for such an offence will be 2 years after the commission of the alleged offence.

Clause 66 provides that a person who becomes the occupier or owner of ratable land (not being land the subject of a lease, licence or purchase from the Crown) will be liable to the board for any current unpaid rates and all arrears of rates that any previous occupier or owner failed to pay and will be so liable whether or not the change in occupation or ownership occurs after the rate is fixed or levied. The clause will also entitle any person to apply for a certificate certifying:

- * the rates, charges or other sums due or payable to the board by the occupier or owner of the land;
- * the particulars of any orders applicable to the land;
- * particulars of annual returns lodged or the years for which annual returns have not been lodged; and
- * particulars of any other matter prescribed by the regulations.

Division 4 - Recovery of rates

Clause 67 makes it clear that, in legal proceedings for the recovery of a rate by a board, an objection to the validity of the rate will not preclude the recovery of the rate.

Clause 68 provides that, if a rate is unpaid 60 days from the date it becomes due and payable, the amount due is to be increased by a sum calculated at the prescribed rate per cent per year and this increase is to be regarded as part of the rate that is levied. The clause will apply to an unpaid rate even though a judgment may have been obtained from a court for payment of the rate.

Clause 69 will enable a board to recover an overdue rate by instituting proceedings in the appropriate Local Court. It will be possible to recover in the same proceedings all rates payable by a person, whether as occupier or owner of the same or different land.

Clause 70 provides that a board will be able to sell land in accordance with proposed Schedule 4 if any rates levied in respect of the land (whether before or after the commencement of the clause) are overdue for more than 5 years.

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Division 5 - Supplementary provisions

Clause 71 will empower the Minister to extend the period for the rate to be fixed, or for the service of rate notices, if for any reason a board has not fixed the rate or has not served the rate notices within the required period. The clause will also enable the Minister to authorise the board to do such things as are necessary to cure and validate any irregularity in the fixing or levying of a rate that has affected or might be considered to have affected the validity of the rate.

Clause 72 will empower a board to grant a rebate of general rates of not more than half of the general rate levied in respect of any holding that has on its external boundaries a rabbit proof fence if the holding has been kept reasonably free from rabbits during the past financial year. It will be possible for a similar rebate to be granted in respect of each holding in an area which is designated by the board as a rabbit eradication area and has been kept reasonably free from rabbits as a result of approved measures having been taken by occupiers of holdings in the area during the past financial year.

Clause 73 will authorise a board to waive payment of, or to refund to an occupier or owner of land, any rate with the approval or at the direction of the Minister. A board will be required to write off any rate waived or refunded under this clause.

Clause 74 will require a board to keep a rate record of every rate that the board levies and will authorise the board to make, in the manner prescribed by the regulations, amendments to, and to rectify omissions in, its rate record.

Clause 75 will empower a board to exempt any land used for the purposes of a cemetery, golf course, racecourse, showground or industrial area from the operation of proposed Part 4 and proposed sections 137 and 168. The regulations will also authorise the exemption of any specified land or any person or class of persons. It will be possible for a board to give any such exemption unconditionally or subject to conditions.

Clause 76 provides that, if a holding of land is located within 2 or more districts, it is to be regarded as being located wholly within the district in which the larger part lies. If the parts are equal, the part on which the principal residence is situated is to be regarded as the larger part.

PART 5 - ANIMAL HEALTH

Clause 77 will enable a board to exercise and to perform such powers or functions of the Minister under certain animal health legislation as the Minister approves in writing. The clause will not prevent the Minister from continuing to exercise those powers and functions.

Clause 78 sets out the responsibilities of district veterinarians which will include the implementing of any applicable animal health program and supervising the use of poisonous substances in relation to noxious animals and any other fauna or flora of a species prescribed by the regulations.

Clause 79 provides that a ranger, an inspector appointed under the Stock Diseases Act 1923 or some other person as prescribed will, in relation to the provision of animal health services, be responsible for exercising such functions as are designated

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or approved in writing by the Minister. Such a person will be required to assist the district veterinarian and will be subject to the direction of that veterinarian with respect to the performance of those functions.

PART 6 - TRAVELLING STOCK AND TRAVELLING STOCK RESERVES

Division 1 - Management of travelling stock reserves

Clause 80 will authorise the Minister administering the Crown Lands Acts ("the Minister for Crown Lands") to vest in a specified board the control of a specified travelling stock reserve (other than one within a State forest or the Western Division) by a notice published in the Gazette. The clause will also empower that Minister to revoke such a notice.

Clause 81 sets out the specific responsibilities of a board which has control of a travelling stock reserve. Those responsibilities include:

- * taking appropriate measures to prevent unauthorised persons, animals and vehicles from trespassing;
- * suppressing and destroying noxious animals and noxious insects;
- * taking measures to remove or destroy certain trees and to control and eradicate noxious plants; and
- * conserving soil.

Clause 82 provides that, although the board concerned must obtain the consent of the Forestry Commission before felling and destroying trees, the Commission is not to withhold its consent to the felling or destruction if the trees might prevent the free passage of travelling stock. The sale of the felled trees, or other manner of dealing with them, by a board, and other associated matters, are also dealt with under this clause.

Clause 83 will enable the Minister to require a board that has control of a travelling stock reserve to take specified measures to protect or improve the reserve. The Minister will be able to recover from the board the cost of taking any appropriate measures which the board has failed to carry out.

Clause 84 will empower the Minister, after consulting the rural lands protection board concerned (and possibly seeking a report from a local land board), to make a recommendation to the Minister for Crown Lands that a travelling stock reserve be withdrawn from the control of that rural lands protection board. On receiving such a recommendation, the Minister for Crown Lands will be empowered to withdraw that control. That Minister will also be empowered to withdraw from a reserve any land that is required as a site for a town or village or for certain public purposes. A board will be entitled to compensation from the Crown for improvements made to land that is so withdrawn. A local land board will be empowered to determine the amount of compensation if there is a disagreement between the Minister and the rural lands protection board about the amount.

Clause 85 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to enter or remain on or occupy or make use of a travelling stock reserve under the control of a board unless the person is the holder

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of an appropriate transported stock statement, permit, licence or other authority authorising the use of the reserve for the purpose in question or unless the use of the reserve for that purpose is otherwise authorised by the proposed Act.

Clause 86 will entitle a person to engage in prescribed recreational activities on a travelling stock reserve without the prior approval of the controlling board. The clause will also enable a board to authorise a person or group to use a travelling stock reserve for other activities. The Crown will be required to indemnify a board where the board becomes liable due to the death of or injury to a person or damage to property arising out of the use of the reserve for prescribed recreational activities.

Clause 87 sets out the circumstances in which a board will be able (or, if the Minister so directs, will be required) to make an order closing a travelling stock reserve (or part of it). While a closure order has effect, the operation of any transported stock statements, permits, licences or authorities relating to the reserve will be suspended. The board will also be able to make an order suspending an authority under proposed section 86 to use a reserve for a prescribed recreational activity or other activity authorised by the board.

Division 2 - Stock transported by vehicle

Clause 88 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to convey stock by vehicular transport unless the person conveying the stock holds a transported stock statement or stock licence or an order made or permit issued under the Stock Diseases Act 1923 and ensures that the conditions or restrictions attached to the document are not contravened.

Clause 89 will enable a person to apply for a transported stock statement to the board concerned or to a person authorised by that board. Such a statement will remain in force for specified journeys or periods and in respect of specified stock, but may be revoked by the board if a condition or restriction of the statement is contravened.

Division 3 - Walking and grazing stock

Clause 90 will make it an offence for a person to move or graze walking stock on a public road or travelling stock reserve, except under the authority of a walking stock permit or a stock licence or an order made or permit issued under the Stock Diseases Act 1923. The clause will also make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to fail to comply with the conditions or restrictions (if any) attached to any such document. A board will be able to recover from any person who moves or grazes stock without the requisite document an amount equal to the fee that would have otherwise been payable for it, together with any prescribed penalty fee.

Clause 91 will enable a board to appoint permit officers for the purpose of issuing walking stock permits.

Clause 92 provides for the issue of walking stock permits by a board to which, or a prescribed officer to whom, an application is made. The grounds on which an application can be refused are listed in the clause. A walking stock permit will remain in force for specified journeys or periods and in respect of specified stock. It will be

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possible to attach specified conditions and restrictions to such a permit and to revoke the permit if those conditions or restrictions are contravened.

Clause 93 will enable a board which has control of a travelling stock reserve, on receiving an application, to issue a grazing permit authorising the holder to take stock onto the reserve for grazing. Such a permit will be able to be issued subject to conditions or restrictions and to be revoked by the issuing board if the conditions or restrictions are contravened or by the Minister if he or she is satisfied it was improperly issued. The clause will make it an offence, punishable by a fine not exceeding 10 penalty units (\$1,000), for the holder of a permit to fail to remove all stock under the holder's control when served with a notice to the effect that travelling stock will be moving through the reserve on a particular date.

Clause 94 will enable a board to issue a temporary grazing permit authorising the holder to graze stock on those parts of a road not normally used by road vehicles. It will not be possible to issue such a permit without the consent of the appropriate local authority (for a public road) or the Minister for Crown Lands (for a Crown road). Such a permit will be able to be issued subject to specified conditions or restrictions and is liable to be revoked by the issuing board, or by a prescribed officer of that board, if those conditions or restrictions are contravened. A temporary grazing permit will remain in force for such period, not exceeding 30 days, as is specified in the permit.

Clause 95 will enable a board that has control of a travelling stock reserve (or a person authorised by the board) to issue to a person a stock holding authority that will authorise the holder to take stock onto, and keep them on, a specified reserve for a specified period and purpose. Such an authority will be subject to specified conditions and restrictions and is liable to be revoked if the conditions or restrictions are contravened.

Clause 96 provides that when stock are being walked or are grazing along or within 300 metres of a public road, the person in charge of the stock will (except where a stock proof fence separates them from the road) be required to display prescribed signs warning road users of the presence of stock. The clause will also require such a sign to be removed when the stock are no longer within 300 metres of the road. Failure to do either of those things will be an offence punishable by a fine not exceeding 10 penalty units (\$1,000). The clause will also make it an offence for a driver of a motor vehicle to fail to give way to all stock to which a prescribed sign relates.

Clause 97 will make it an offence for a person to fail, while in charge of stock that are being walked or are grazing along or on a public road or a travelling stock reserve, to ensure that any made-up road surface is kept free of stock.

Clause 98 will enable a board to establish an enclosure (including a portable holding structure) within a travelling stock reserve as a stock holding area. The board will be required to take all reasonable steps to ensure that the area is maintained in a condition that will prevent the stock from escaping. The clause will make it an offence, punishable by a fine not exceeding 10 penalty units (\$1,000), for a person in charge of stock to leave stock unattended in specified circumstances.

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Division 4 - Stock licences

Clause 99 specifies the purposes for which a stock licence may be used. The holder of a stock licence will be authorised to move small or large stock on foot or by vehicle over any public road or travelling stock reserve. A stock licence will not authorise the movement of walking stock between sunset and sunrise or the movement of stock by vehicle beyond a distance prescribed by the regulations.

Clause 100 provides for the application for and issue of stock licences. A stock licence will remain in force for up to 3 years and will have effect only within the district of the board that issued it or of a district that has endorsed it. Such a licence may be subject to certain conditions and restrictions which, if contravened, could result in the licence being revoked.

Division 5 - Apiary sites etc.

Clause 101 will enable a board which has control of a travelling stock reserve to issue apiary site permits. An apiary site permit will authorise the permit holder to establish and maintain an apiary on a specified site within the reserve. The permit will remain in force for up to 12 months and may be subject to certain conditions or restrictions which, if contravened, could result in its being revoked.

Clause 102 will empower the relevant board or a prescribed officer of that board to impound bees or beehives. Bees or hives are liable to be impounded if the bees or hives have been placed, or are being kept, on a travelling stock reserve otherwise than in accordance with an apiary site permit, or if the holder of such a permit has contravened a condition or restriction of the permit. An owner of bees or hives that have been impounded will not be allowed to obtain the release of the bees or hives until the prescribed impounding fee is paid.

Division 6 - Supplementary matters

Clause 103 provides that a board will not be liable to pay damages in respect of the deaths of, or the injuries, illnesses or diseases suffered by persons or stock or bees that are attributable to the application by the board of a pesticide to a travelling stock reserve if the board has given notice of the application of the pesticide as prescribed by the regulations.

Clause 104 provides that certain occupiers of land are to be entitled to have a right of access over a travelling stock reserve if no other access to and from that land by means of an established road or track is available.

Clause 105 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person, without written authority, to erect or place a structure on a travelling stock reserve. The board will be empowered to dismantle and remove the structure from the reserve and bring legal proceedings to recover the cost of the dismantling and removal. If the board is unable to identify the person responsible, the board will be able to sell or otherwise dispose of the structure.

Clause 106 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to leave or abandon rubbish, carcasses, vehicles, equipment and other things on a travelling stock reserve. The board will be able to

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recover in legal proceedings from any person guilty of any offence the cost of removing and disposing of any thing left or abandoned on such a reserve.

Clause 107 will enable a board to recover in legal proceedings the cost of rectifying damage to a structure or work, or replacing a destroyed structure or work, on a travelling stock reserve.

Clause 108 will make it an offence, punishable by a penalty not exceeding 20 penalty units (\$2,000), for a person to make a false or misleading statement in an application for a transported stock statement, permit, licence or other authority authorising the use of a travelling stock reserve or on a transported stock statement issued to the person.

PART 7 - ABANDONED AND TRESPASSING STOCK

Clause 109 defines expressions used in the proposed Part and sets out the circumstances in which stock are to be taken to have been abandoned on a public road, a reserve or public land. The clause also specifies the circumstances in which stock are to be taken to be trespassing on a public road or a reserve.

Clause 110 will enable a board to establish one or more public pounds within its district. The clause also provides for the appointment of poundkeepers.

Clause 111 will enable a prescribed officer to muster and take abandoned, trespassing or certain straying stock to the nearest available pound. A caretaker of the controlling authority of a stock watering place or any other authorised person will be empowered to impound stock trespassing at the watering place. A board will, at the request of the occupier, be required to impound stock that have been abandoned on occupied land, or on a public road, a reserve or public land that bisects or adjoins certain occupied land. The occupier will not be liable for any loss that the owner of stock may sustain in consequence of the impounding.

Clause 112 will make it an offence, punishable by a fine not exceeding 50 penalty units (\$5,000), for a person to abandon stock on a public road, a reserve or public land. The relevant local authority or board or any other person who suffers loss will be entitled to bring legal proceedings to recover compensation for any damage or destruction resulting from stock being abandoned on a public road, a reserve or public land.

Clause 113 will make the owner of stock and the person in charge of the stock (if not the owner) guilty of an offence if the stock trespass on a public road or a reserve. A person found guilty of an offence against the clause will be liable to a fine not exceeding 20 penalty units (\$2,000). The relevant local authority or board or any other person who has suffered loss will be entitled to bring legal proceedings to recover compensation for any damage or destruction resulting from the trespass of stock on a public road or a reserve.

Clause 114 provides that, in addition to any other penalty that a court may impose for an offence against proposed section 112 or 113, it will be required to order the person guilty of the offence to pay to the board concerned certain specified agistment fees.

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Clause 115 will empower a prescribed officer (with the board's approval) to destroy abandoned or trespassing stock if they are worth less than the cost of impounding them or are in a distressed state. Neither the board nor the officer concerned will be liable to the stock's owner for any loss sustained as a result of the destruction.

Clause 116 will enable a board to decline to release impounded stock until the owner pays the prescribed impounding, agistment, sustenance and other fees prescribed by the regulations. The clause will also make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person, without authority, to release (or incite or assist in releasing) any animal lawfully impounded (or about to be impounded). The court will be able to make an order directing the guilty person to pay to the board the amount that would have been payable to it in respect of the impounding.

PART 8 - STOCK WATERING PLACES

Clause 117 will empower the Governor-in-Council, with the agreement of the Minister for Crown Lands, to declare certain Crown land and certain land acquired by local authorities to be stock watering places. The Minister administering the proposed Act will be empowered to declare a stock watering place to be a town water supply.

Clause 118 specifies the bodies that are to be the controlling authorities of stock watering places. The local authority will be the controlling authority if the stock watering place is declared to be a town water supply. The board established for the district will normally be the controlling authority if no such declaration is in force.

Clause 119 will enable the controlling authority of a stock watering place to construct, carry out improvements to and maintain and repair tanks, dams and other works for storing or providing water at that place. If the stock watering place is located in the Western Division, the Minister's prior approval to undertake construction or such other works will be required if the cost of the work exceeds the amount to be specified by the regulations. The Minister for Crown Lands will be liable to pay compensation to any controlling board which has effected improvements to land that has ceased to be a stock watering place. The local land board will be empowered to determine the amount of compensation if there is a disagreement between the Minister and the controlling authority as to the amount.

Clause 120 will enable a controlling authority of a stock watering place to appoint a caretaker of that place. The controlling authority will be authorised to fix the caretaker's remuneration and to allow the caretaker to retain the whole or a specified part of money paid to him or her as charges.

Clause 121 will enable the controlling authority of a stock watering place, by auction or other means, to grant with the Minister's approval a lease of the watering place for not more than 10 years and, with a similar approval, to grant a single extension of the lease for not more than 5 years. The lessee will be required to pay rent to the controlling authority and will be entitled to the watering charges collected.

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Clause 122 will require the controlling authority (or lessee) of a stock watering place to supply water to specified persons or stock at such fees and during such periods as are prescribed by the regulations and to allow the stock to depasture at that place.

Clause 123 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to obstruct persons or stock in their lawful use of a stock watering place, or of water or pasture at that place, to which they are entitled under the proposed Act.

Clause 124 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to fail to produce for inspection at a stock watering place, if requested by the person in charge of the place, the relevant transported stock statement, permit, stock licence or other authority authorising the stock to use the place.

Clause 125 will make it an offence, punishable by a fine not exceeding 50 penalty units (\$5,000), for a person intentionally or recklessly to pollute or interfere with any water that flows into or is used as the source of supply for any stock watering place. The controlling authority will be empowered to bring separate legal proceedings to recover from the person concerned the cost of cleaning up or removing the pollution or interference.

PART 9 - NOXIOUS ANIMALS

Clause 126 will require an occupier of land to fully and continuously suppress and destroy by any lawful method all noxious animals on the land and on any road, travelling stock reserve, watercourse or inland water adjoining the land.

Clause 127 will empower a board to order any occupier or owner of land to fully and continuously suppress and destroy all noxious animals by one or more prescribed methods specified in the order. The clause will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for an occupier or owner to fail to comply with any of the order's requirements. A prescribed officer will be authorised to enter and remain on land (but not on residential premises) and take necessary steps to ascertain whether the requirements of the order are being fulfilled. After serving notice on an occupier or owner of land, a board will be empowered to enter the land and take measures for the suppression and destruction of noxious animals and the eradication of their habitats.

Clause 128 provides that, if an occupier or owner fails to pay a charge imposed under proposed section 127, the board concerned will be able to recover that charge by legal proceedings. If the amount ordered to be paid in those proceedings is not paid, it will become a charge on the land concerned and the board will be authorised to sell the land if that amount is not paid or recovered within 5 years after the date of judgment. Schedule 4 (which empowers a board to sell land for non-payment of an amount owing to it) applies in such a case.

Clause 129 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for the driver of a vehicle to fail to stop his or her vehicle for search when required by an authorised officer who believes on reasonable grounds that the

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vehicle contains a live feral pig. If the vehicle is found to contain such a pig, the officer will be empowered to seize and destroy the pig.

Clause 130 will enable a board to enter into contracts with occupiers or owners of land for the suppression and destruction by the board of noxious animals and the eradication of their habitats.

Clause 131 will enable the Minister to grant written permission for a person to keep noxious animals of a specified kind for a specified period. The clause will make it an offence for a person to administer to a noxious animal specified in the permission any substance prescribed declared by the regulations to be a prohibited substance. It will also be an offence, punishable by a fine not exceeding 100 penalty units (\$10,000), for a person to keep a noxious animal in captivity otherwise than under the authority of such a permission and in accordance with the conditions (if any) subject to which the permission was granted. The Minister will be empowered to revoke such a permission and order the destruction of the animals concerned if the person has failed to comply with any such condition.

Clause 132 will make it an offence for a person to shoot, poison or trap or otherwise engage in any activity for the purpose of suppressing or destroying noxious animals in an area specified in a Ministerial order as being a prohibited area.

Clause 133 sets out a number of offences relating to noxious animals. Offences include carrying a noxious animal through or over a fence designed to prevent noxious animals from gaining access to land beyond the fence and liberating a noxious animal in respect of which permission has been granted under proposed section 131. Any person who unlawfully conveys a live feral pig from one place to another will be guilty of an offence under the clause and will be liable to a fine not exceeding 100 penalty units (\$10,000). Other offenders against the clause will be liable to fines not exceeding 20 penalty units (\$2,000) and 10 penalty units (\$1,000) respectively.

Clause 134 provides that certificates signed by a board's noxious animals inspector or some other prescribed officer, stating that certain animals are noxious animals, are to be admissible as evidence in proceedings for an offence under proposed Part 9.

Clause 135 will require a board established for a district in the Western Division to issue to any person who delivers to it the scalp of a wild dog destroyed in the district a certificate in the prescribed form, and to pay the person a bonus determined under the Wild Dog Destruction Act 1921. The board will be required to cause the scalps to be destroyed by fire. The clause will make it an offence for the person responsible for destroying the scalps to issue a certificate of destruction that is to that person's knowledge false or misleading.

Clause 136 will make it an offence for a person to claim from a board a bonus for the destruction of a wild dog knowing that the bonus has already been paid or that the dog was not destroyed in the board's district.

Clause 137 will empower a board to levy a special rate on the occupiers of land to defray the costs of suppressing and destroying noxious animals. The rate will be required to be fixed by resolution of the board, levied by service of a rate notice and calculated according to the carrying capacity of the land. The board will be required

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to pay the proceeds of the special rate into a specially designated fund and not to spend those proceeds for any other purpose.

Clause 138 will enable a board to make arrangements, on its own account, or with other boards, or with the occupiers or owners of land, for the conduct of campaigns for the suppression and destruction of noxious animals.

PART 10 - CONTROL OF NOXIOUS INSECTS

Clause 139 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for an occupier of land to fail to give to the board concerned immediate notice of the fact that noxious insects have appeared on the land, together with details of the particular location and such other particulars as are specified by the regulations.

Clause 140 will empower a board to publish a notification requiring all occupiers of land within the district to give notice to it when noxious insects appear on their land, and to suppress and destroy the insect nymphs on their land, and on any unfenced road or travelling stock reserve adjoining that land. The clause will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for an occupier to fail to comply with a requirement contained in the board's notification.

Clause 141 will enable a board, by order, to require an occupier of land to suppress and destroy all noxious insect nymphs on the land, or on any unfenced road or travelling stock reserve adjoining the land, by using the materials that the board has supplied to the occupier. If a road is vested in or under the control of a local authority or a reserve is under the control of a board, the authority or the board will have a duty to suppress and destroy the insects on the road or reserve. The clause will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for an occupier to fail to comply with a requirement contained in the board's order.

Clause 142 will enable the Minister to give notice in writing of a predicted outbreak of noxious insects to the board concerned. Whenever such a notice is given, the board will be required to publish a notification informing occupiers of land that an outbreak is predicted to occur. In the notification, the board is to require occupiers to give notice to it when the insects appear on their land, and to suppress and destroy any insect nymphs on their land, or on any adjoining unfenced road or travelling stock reserve, by using the materials that the board has supplied. The clause will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for an occupier to fail to comply with a requirement contained in the board's notification.

Clause 143 will empower an authorised officer or a person authorised by the Minister to enter land for the purpose of finding out whether noxious insects are on the land and to take, and carry out, such measures and work considered necessary by the Minister or the relevant board for the suppression and destruction of those insects. An occupier or owner of the land concerned will be required to pay to the Minister or board the cost of exercising those functions undertaken by such an officer or person. If the occupier or owner fails to pay the required amount, the board may recover the amount by bringing legal proceedings against the occupier or owner concerned.

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Clause 144 will empower an authorised officer or a person authorised by the Minister to enter Crown land or land owned by a statutory body and, with assistance, to adopt prescribed methods to suppress and destroy noxious insects on the land.

Clause 145 provides that neither the Crown, nor the Minister, a board or an authorised officer, will be liable to pay compensation or damages for acts or omissions arising under proposed Part 10.

Clause 146 will enable the Minister, by order, to require a board to impose a levy on occupiers of ratable land within the board's district at such rate as is specified in the order for the purpose of meeting the costs incurred by the Minister in suppressing noxious insects. The board will be required to calculate the levy according to the assessed carrying capacity of the land concerned and to impose the levy by serving a notice on the occupier of that land. Proposed Divisions 3 and 4 of Part 4 and Schedule 4 (which relate to the liability for recovery of rates and the sale of land for overdue rates) will apply to the levy imposed under proposed section 146 in the same way as they apply to a rate levied under proposed section 53.

Clause 147 will enable the Auditor-General to surcharge a director or employee of a board with any loss that the board has incurred in the amount of the levy that should have been collected or recovered had it not been for the culpable negligence or misconduct of the director or employee.

Clause 148 will require the Minister to pay the proceeds received from the levy into the Noxious Insects Destruction Account. The purposes for which that Account is to be used include the cost of purchasing materials for, and meeting the cost of, suppressing and destroying noxious insects.

PART 11 - RABBIT, DOG AND MARSUPIAL PROOF FENCES

Division 1 - Definition

Clause 149 defines "owner" for the purposes of proposed Part 11. "Owner", in relation to Crown land, means the occupier (if not the Crown) and, for non-Crown land, includes an executor, administrator or trustee of the estate of an owner of the land.

Division 2 - Fences generally

Clause 150 will enable the Minister, by order published in the Gazette, to specify classes of fencing that are to be regarded as rabbit, dog or marsupial proof.

Clause 151 will require a board, on being requested in writing and on being paid an inspection fee by an owner of land, to carry out an inspection to determine whether a fence is rabbit, dog or marsupial proof. If so satisfied, the board will be required to issue a certificate to that effect, and the certificate will be admissible as evidence of the matters stated.

Clause 152 will allow a local land board to give permission to the owner of land to erect a rabbit, dog or marsupial proof fence across a road, travelling stock reserve or public land if the owner's land is divided or bounded by the road, reserve or public land. The erection of a gate may be required under certain circumstances.

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Clause 153 provides that if, in the opinion of the Minister for Crown Lands, a fence (but not a barrier fence) makes any Crown land rabbit, dog or marsupial proof, then the fence is to be regarded as an improvement the value of which is distributed equally over that land.

Clause 154 provides that, if any land is bounded in part by a natural feature and partly by a rabbit, dog or marsupial proof fence and the local land board or the relevant rural lands protection board has indicated that it is unnecessary to erect a rabbit, dog or marsupial proof fence along that feature, then the land is to be taken to be enclosed by such a fence.

Division 3 - Contributions towards fencing costs

Clause 155 provides that, where a rabbit, dog or marsupial proof fence is erected on the boundary of a holding, or a fence on that boundary has been made rabbit, dog or marsupial proof, at the expense of the owner of the holding, the owner of any land adjacent to that holding will be liable, under certain circumstances, to pay to that owner a contribution towards the cost of the work and materials involved.

Clause 156 provides that the holder of a lease or licence from the Crown will be liable to pay an annual rental for a rabbit, dog or marsupial proof fence instead of a contribution.

Clause 157 determines the period within which a person who is demanding a contribution under proposed section 155 will be required to serve a notice of demand.

Clause 158 sets out the criteria to be used by a local land board for determining contributions payable under proposed section 155.

Clause 159 will require the owner of an adjoining holding to contribute half of the cost of maintaining and repairing a dividing fence that is rabbit, dog or marsupial proof.

Clause 160 provides that, where a rabbit, dog or marsupial proof fence is erected on a common boundary between public and private land, or a fence on such a boundary is made rabbit proof, dog proof or marsupial proof, the Crown will be liable to pay the same contribution as a private owner would be liable to pay under similar circumstances.

Clause 161 provides for a contribution to be made by a private owner where the Crown erects a rabbit, dog or marsupial proof fence on a common boundary between public and private land or makes a fence on such a boundary rabbit, dog or marsupial proof.

Clause 162 will enable a board to require the owner of any land adjoining a travelling stock reserve or separated from the reserve only by a road:

- * to erect on the common boundary a fence sufficient for the purpose of preventing the passage of any specified stock; or
- * to alter or repair any fence already erected; or
- * to erect a fence that is rabbit, dog or marsupial proof or to make a fence rabbit, dog or marsupial proof.

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A board will be entitled to recover from the owner half the cost it has incurred in doing the work if the owner fails to comply with the notice. Proposed Schedule 4 (which relates to the sale of land for the non-payment of money owing to a board) will apply to an amount that remains unpaid under the clause for more than 5 years.

Clause 163 provides that the intervention of roads or watercourses does not prevent them from being regarded as adjoining holdings for the purposes of the proposed Part or prevent a claim for a contribution being brought in respect of a fence on either side of the road or watercourse.

Clause 164 will entitle an owner of a holding who incurs expense in maintaining or repairing a rabbit, dog or marsupial proof fence that serves as a boundary between 2 holdings to recover a contribution from the person who owns an adjoining holding. A local land board will have jurisdiction to assess the amount of contribution if the owners are unable to agree on that amount.

Division 4 - Barrier fences

Clause 165 will enable a board:

- * to erect a barrier fence (i.e. a rabbit proof fence) on any land or across a road or travelling stock reserve, or make any fence rabbit proof;
- * to make gates in any such fence for the passage of persons and stock; and
- * if such a fence is erected across a road, to erect a by-pass for vehicles.

If the Minister, by notice, declares that the fence is no longer a barrier fence, then the owner of any land that derives benefit from the fence will be required to pay to the Minister or to the board concerned an amount equal to the value of so much of the fence as is located within, or on, the boundary of that land.

Clause 166 provides that a board will not be liable to pay, or make compensation for, anything lawfully done in exercising its functions under proposed section 165, other than for damage arising in consequence of the erection on private land of a barrier fence. A local land board will be empowered to determine a claim for such damage.

Clause 167 provides that, if a board erects a barrier on the common boundary of its district and an adjoining district or converts an existing fence into a barrier fence, the board will be entitled to recover from the board for the adjoining district half of the cost of erecting, maintaining and repairing the fence.

Clause 168 provides that the purchaser or lessee of Crown land will be liable to pay the value of the part of a barrier fence that is located within or on the boundary of the Crown land and which is an improvement owned wholly or partly by the Crown or a board. Payment will be required to be made to the Crown, the board or any other owner of the fence according to their respective interests in the fence.

Clause 169 will require a board that has erected a barrier fence or converted a fence into a barrier fence, or has participated in the erection or conversion, to keep it in a good state of repair.

Clause 170 provides for disputes between 2 or more boards concerning the payment of any money, the doing of any act required to be done or the carrying out

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of any agreement made between those boards under proposed Part 11 to be arbitrated by the Minister, or if the dispute is referred to a local land board or the Land and Environment Court, by that board or that Court.

Division 5 - Procedural matters

Clause 171 provides that, with certain exceptions, in any legal proceedings under proposed Part 11, the jurisdiction of a local land board before which the proceedings are brought is not to be ousted on the ground that the defendant or respondent does not reside within the boundaries of that board's jurisdiction.

Clause 172 provides that, in legal proceedings under proposed Part 11 before a local land board, that board may allow time for payment of any contribution, value or other sum of money. A local land board will be authorised to determine that the money be paid in instalments and to order that interest be paid on the money.

Clause 173 confers a right of appeal to the Land and Environment Court from a decision or determination of a local land board. The Minister and a local land board will be empowered to refer matters to that Court.

Clause 174 provides that whenever, under the proposed Act, a sum of money is expressed to be charged on private land and an instrument is registered under either the Real Property Act 1900 or the Conveyancing Act 1919, any person who later becomes the owner is to be regarded as having notice of the charge and is to be liable to pay any of the money that is then outstanding.

Clause 175 will entitle a mortgagee to recover money spent on the erection, maintenance or repair of a rabbit, dog or marsupial proof fence, or making of a fence rabbit, dog or marsupial proof, if the fence is on or close to the land that is subject to the mortgage.

Clause 176 will enable a trustee to use capital money of the trust for the erection of a rabbit, dog or marsupial proof fence, or for making a fence rabbit, dog or marsupial proof, if the fence is on or close to the land that is subject to the trust, or for paying contributions in respect of such a fence.

Clause 177 will empower the Minister to refer to a local land board any question with respect to matters arising under proposed Part 11. The local land board will be required to inquire into the question referred and report its findings to the Minister in writing.

Division 6 - Offences under Part 11

Clause 178 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to damage or interfere with a rabbit, dog or marsupial proof fence, a fence erected on the boundary of a travelling stock reserve or a fence erected on the boundary of a holding adjacent to such a reserve. It will also be an offence to erect breaks against such a fence.

Clause 179 will make it an offence for a person to obstruct a by-pass for vehicles in a fence.

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PART 12 - IDENTIFICATION OF STOCK

Division 1 - Definitions

Clause 180 defines certain expressions used for the purposes of proposed Part 12. The expressions defined are "board brand design", "district registrar", "stock" and "symbol brand design".

Division 2 - Large stock

Clause 181 provides for the registration of a board brand design for use in connection with large stock. A board brand design will be allocated to an applicant by the district registrar concerned.

Clause 182 will continue in force the registration of a symbol brand design that at present is registered under the Registration of Stock Brands Act 1921. However, if the design is not re-registered before a date to be proclaimed under the clause, the registration of the design will lapse. A district registrar is not to re-register a symbol brand design that is identical with or likely to be confused with a symbol brand design that is already registered. If the registrar finds that two registered symbol brands are identical or may be confused, the registrar will be empowered to require one of the registered proprietors to apply for the registration of another symbol brand design and cancel the registration of that proprietor's existing design.

Clause 183 provides for the registration of earmark designs for use in relation to cattle or deer. A district registrar is not to register an earmark design that is identical with or may be confused with any other registered design. If a district registrar finds that two registered earmark designs are identical or may be confused, the registrar will be empowered to require one of the registered proprietors to modify the design concerned.

Clause 184 will require the Minister, or if required to do so by the Minister, the Council of Advice, to publish periodically a directory containing the particulars specified in the regulations of registered symbol brand designs.

Clause 185 sets out the requirements and procedures necessary to effect transfers of ownership of registered brand and earmark designs used for large stock and provides for the registration of such transfers.

Clause 186 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to apply to any large stock animals brands or tattoos of a size or in a position not specified in the regulations. It will also be an offence, similarly punishable, to apply to cattle or deer a registered earmark of a dimension or shape not specified in the regulations, or except on the ear so specified.

Clause 187 will enable the proprietor of a registered brand or earmark design to apply a distinctive brand or brands or distinctive earmark to that proprietor's large stock, or a distinctive earmark to that proprietor's cattle and deer, to denote their age or class. The clause will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to apply a distinctive earmark to cattle or deer except on the ear specified in the regulations.

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Division 3 - Small stock

Clause 188 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for the owner of small stock which are more than 6 months old to fail to ensure that the stock are earmarked as prescribed by the regulations. Small stock of a class declared by the regulations may be exempt from the operation of the clause.

Clause 189 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for an owner of small stock to fail to ensure that no brand or earmark is applied to the stock, unless the brand or earmark of a registered design for use in connection with small stock or its use is otherwise authorised by proposed Part 12 or the regulations.

Clause 190 provides for the registration of brand and earmark designs for use in relation to small stock. A district registrar is not to register a brand or earmark design that is identical with or may be confused with any other registered brand or earmark design. If a brand or earmark design is identical with, or is likely to be confused with, any other registered brand or earmark design, a district registrar will be entitled to require the proprietor to modify the design.

Clause 191 sets out the requirements and procedures necessary to effect a transfer of ownership of a registered brand or earmark design used for small stock and provides for the registration of such transfers.

Clause 192 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to apply to any small stock animal registered brands of a size or in a position not specified in the regulations, or to apply to a small stock animal a registered earmark of a dimension or shape not specified in the regulations, or except on the ear so specified.

Clause 193 will enable the proprietor of a registered earmark design to apply a distinctive earmark to the proprietor's small stock. The clause will make it an offence for a person to apply a distinctive earmark to small stock except on the ear specified in the regulations.

Division 4 - Supplementary provisions

Clause 194 will require each district registrar to keep a register of brand and earmark designs registered for use on large and small stock kept within the district. The clause also specifies other functions of a district registrar.

Clause 195 sets out the consequences that flow from the death of the registered proprietor of a brand or earmark design. The executor or administrator concerned will be entitled to use the design for 6 months after the person's death but must apply within that period for that executor or administrator or a person beneficially entitled to the design to be registered as its proprietor.

Clause 196 will require the registered proprietor of a brand or earmark design to pay a prescribed annual fee for the continuance of the registration, unless the person is a ratepayer for the district concerned.

Clause 197 provides for the cancellation of the registration of a brand or earmark design by the district registrar in specified circumstances.

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Clause 198 provides for the resolution of disputes arising out of decisions of district registrars under proposed Part 12. A person dissatisfied with a decision of a district registrar will be able to apply to have the matter determined by the Minister who may either deal with the matter personally or may refer it for determination by the Chief of the Division of Animal Health in the Department of Agriculture and Fisheries, or some other specified officer.

Clause 199 lists a number of offences punishable under the proposed Act relating to brands and earmarks. It will, for example, be an offence to destroy or deface a brand, or to alter an earmark, that has already been applied to stock. An offender against the clause will be liable to a fine not exceeding 20 penalty units (\$2,000).

Clause 200 will empower prescribed officers to enter premises for the purposes of inspecting animals, branding and earmarking instruments, animal skins and documents relating to dealings in stock and animal skins. The clause also confers other powers on prescribed officer, such as the power to ask questions. For the purposes of the clause, "prescribed officer" includes a ranger and a member of the Police Force.

Clause 201 will make it an offence, punishable by a fine not exceeding 5 penalty units (\$500), for a person to mark the fleece or skin of a sheep or goat with any substance, whether for the purpose of branding or not.

PART 13 - MUSTERING STOCK

Clause 202 provides that, where a person who keeps not fewer than the prescribed number of stock on a holding proposes to muster those stock, the person is to give at least 48 hours' (but not more than 5 days') notice of the proposed muster to occupiers of adjoining holdings. A person will not be required to give notice if the adjoining occupier has agreed to dispense with the notice. The clause will make it an offence, punishable by a fine not exceeding 10 penalty units (\$1,000), for a person to fail to give the required notice.

Clause 203 provides that, with the approval of the Minister or a board, a ranger will be able to order an owner of stock to muster the stock on the person's holding for a specified purpose. The clause will make it an offence, punishable by a fine not exceeding 10 penalty units (\$1,000), for the person to fail to comply with such an order. The Minister or board concerned will be empowered to recover from the person the expense of carrying out the muster if the person has failed to comply with the order.

PART 14 - MISCELLANEOUS PROVISIONS

Division 1 - General provisions concerning offences and legal proceedings

Clause 204 provides that proceedings for offences against the proposed Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Clause 205 will enable an authorised officer to issue a penalty notice where it appears to the officer that a person has committed an offence against the proposed Act that is prescribed by the regulations. The clause makes it clear that a person

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served with such a notice will not be obliged to pay the specified penalty and will be entitled to have the matter determined before the appropriate court. The clause also sets out the procedure to be followed in respect of the service of penalty notices.

Clause 206 provides that the registrar of the Local Court which has imposed a monetary penalty for an offence against the proposed Act is to pay the amount of the penalty to the board in whose district the offence occurred.

Clause 207 provides that, if a board omits to do any act required of it under the proposed Act or any other Act, or does an act which contravenes the proposed Act or any other Act, each director of the board will be guilty of an offence, punishable by a fine not exceeding 20 penalty units (\$2,000). The clause also specifies certain defences to a charge for such an offence.

Clause 208 specifies offences relating to the provision of information required under the proposed Act. It will be an offence, punishable by a fine not exceeding 10 penalty units (\$1,000), to fail to provide information required under the proposed Act or to provide false or misleading information in any return or other document required for the purposes of the proposed Act. It will also be an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), to forge or alter a transported stock statement, permit, licence, authority or other document issued or purporting to be issued for those purposes.

Clause 209 will make it an offence, punishable by a fine not exceeding 20 penalty units (\$2,000), for a person to obstruct, hinder, delay, threaten or assault an authorised or prescribed officer in the exercise of a function conferred by the proposed Act. Failure to comply with a lawful requirement under the proposed Act will also be an offence which will be punishable by a similar fine.

Clause 210 provides that, for the purposes of legal proceedings under the proposed Act, a general description of the land will be sufficient.

Clause 211 will allow legal proceedings to be pursued even if the name of the occupier or owner of a particular holding is unknown.

Clause 212 provides that documents prepared for the purposes of the proposed Act or the Pastures Protection Act 1934, the Registration of Stock Brands Act 1921 or the Noxious Insects Act 1934 are to be admissible in evidence in legal proceedings. The clause also provides that in legal proceedings under the proposed Act, proof is not to be required of certain matters, such as the incorporation of a rural lands protection board. Provision is made for the admissibility in evidence of certain certificates.

Clause 213 provides that the jurisdiction of a court or a local land board is not to be ousted because legal proceedings under the proposed Act involve a question as to title to land, future rights or a general right or duty.

Division 2 - Other miscellaneous matters

Clause 214 provides that documents required to be issued or served by a board are sufficiently authenticated if signed by the chairperson or secretary of the board.

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Clause 215 sets out the requirements for the service of a notice or other document for the purposes of the proposed Act.

Clause 216 will enable the Minister to delegate the exercise of his or her functions, except the power of delegation.

Clause 217 will empower the Governor-in-Council to make regulations for the purposes of the proposed Act. The regulations will enable offences to be created with a maximum penalty of 10 penalty units (\$1,000).

Clause 218 will give effect to Schedule 5, which contains savings and transitional provisions.

Clause 219 will give effect to Schedule 6, which specifies the Acts to be repealed by the clause. The clause will also repeal the regulations in force under those Acts.

Schedule 1 sets out provisions applicable to the directors of a rural lands protection board. The Schedule deals with the election of a chairperson and deputy chairperson of the board, what happens when there is a casual vacancy in the office of a director, the term of office of a person filling a casual vacancy, the liability of directors and other persons for acts of the board, the disclosure of directors' pecuniary interests in a proposed contract with the board, the invitation for tenders if a director has a direct or indirect pecuniary interest in the matter, the establishment by the board of committees, and the fees, expenses and insurance of directors.

Schedule 2 sets out provisions relating to proceedings of a board and covers such matters as the meetings of a board, including the number of directors required for a quorum, providing for the person presiding to have a casting vote, and the general procedure at meetings (including voting).

Schedule 3 deals with administrators appointed under the proposed Act. The Schedule covers such matters as the appointment of an acting administrator, the vacation of office of an administrator and the expenses of an administrator. It also provides for an administrator not to be liable for losses incurred during his or her administration.

Schedule 4 provides for the sale of land for non-payment of money owing to a board (including the non-payment of rates and levies imposed under the proposed Act on occupiers of ratable land). The Schedule includes provisions dealing with the procedure for the sale of land and the distribution, payment and application of the balance of money by a board from such a sale.

Schedule 5 contains savings and transitional provisions.

Schedule 6 specifies the enactments to be repealed by proposed section 219. The Acts to be repealed are the Registration of Stock Brands Act 1921, the Noxious Insects Act 1934, the Pastures Protection Act 1934 and certain amending Acts.