

[Act 1997 No 38]



New South Wales

# Rural Lands Protection Amendment Bill 1997

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to amend the *Rural Lands Protection Act 1989* so as:

- (a) to facilitate the amalgamation of existing rural lands protection districts and to provide greater flexibility in constituting rural lands protection boards for districts by enabling the Minister to determine the number of divisions for each district and the number of directors for each rural lands protection board, and
  - (b) to make transitional provision to enable directors to be elected for the boards of districts that are proposed to be amalgamated on 1 November 1997 at the elections due to be held for directors of existing rural lands protection boards on or after 10 October 1997 and before that date.
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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision giving effect to the amendments to the *Rural Lands Protection Act 1989* set out in Schedule 1.

## Constitution of districts

**Schedule 1 [1]** replaces section 4 of the Principal Act with a new section 4 to make it clear that the Governor may, by proclamation published in the Gazette, alter the boundaries or name of any rural lands protection district, dissolve the whole or any part of a district or amalgamate part or all of one district with part or all of one or more other districts to constitute a single district. A proclamation under the new section is to take effect on the day the proclamation is published in the Gazette or on a later day specified in the proclamation.

## Divisions of districts and directors for divisions

At present section 5 of the Principal Act requires the Minister to divide each rural lands protection district (other than certain excluded districts) into 4 divisions and requires 2 directors of the board for the district to be elected or appointed for each division. **Schedule 1 [2]** and **[3]** amend section 5 of the Principal Act to enable the Minister to divide a rural lands protection district into the number of divisions determined by the Minister and to specify the number of directors to be elected or appointed for each division. **Schedule 1 [4]–[8]** contain consequential amendments relating to matters such as quorums.

## Savings and transitional provisions

**Schedule 1 [9]** enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

**Schedule 1 [10]** inserts Part 4 into Schedule 5 to the Principal Act. Clause 48 of Part 4 contains a savings provision to ensure existing rural lands protection districts are not inadvertently affected by the replacement of section 4. The remaining provisions enable directors for the board of certain districts, proposed to be constituted by an amalgamation with effect on 1 November

1997, to be elected to take office on that day. The provisions will ensure that the first election for the amalgamated districts takes place at the same time as the general elections for directors of boards of rural lands protection districts (held every 4 years) due to take place on or after 10 October 1997 and before that date. The provisions will also enable the Minister to determine the number of divisions for the amalgamated districts and the number of directors for those districts in time for those elections to be consistent with the proposed amendments to section 5 of the Principal Act. Provision is also made to enable the Minister to appoint a person to act as returning officer for the election and to facilitate the amalgamation as determined by the Minister and to limit the action that can be taken by rural lands protection boards affected by the proposed amalgamations between introduction of the Bill into Parliament and 1 November 1997.