

Act 1994 No. 55

RURAL LANDS PROTECTION (AMENDMENT) BILL 1994*

NEW SOUTH WALES



EXPLANATORY NOTE

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

Part 9 of the Rural Lands Protection Act 1989 provides for the suppression and destruction of noxious animals throughout the whole State. The object of this Bill is to amend the Act to provide for the control of animals and birds that are adversely impacting on agricultural enterprises or the local environment in the whole or part of individual rural lands protection districts.

The proposed amendments will enable the Minister, on the application of a rural lands protection board, to require occupiers of specified public or private land in a district to implement certain methods for controlling animals or birds (such as foxes and other animals and birds that are not protected fauna) on the land.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

Clause 3 gives effect to the Schedule of amendments to the Rural Lands Protection Act 1989.

Schedule 1 (1) amends the long title of the Act.

Schedule 1 (2) makes a consequential amendment to section 3 of the Act to assist the reader to locate the definition of “pest animal” to be inserted by proposed Part 9A.

Schedule 1 (3) inserts Part 9A (Pest animals) in the Act.

Proposed Part 9A creates a special regime in relation to pest animals located in parts of the State specified by order made by the Minister. The object of the proposed Part is to facilitate the control of such animals to protect agricultural enterprises and the local

* Amended in committee—see table at end of volume.

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environment (proposed section 138A). It will enable a rural lands protection board to make an application to the Minister for a control order in respect of a particular area of land in its district (proposed section 138C) and the Minister will be able to make a control order on the basis of such an application (proposed section 138D). However, the Minister will not be able to make an order in respect of a noxious animal unless the order applies exclusively to public land (proposed section 138D (5)). The occupier of private land to which a control order applies must implement control measures specified in the order. Otherwise, the occupier will (subject to certain defences) be guilty of an offence (proposed section 138E). A maximum penalty of 50 penalty units (currently \$5,000) is provided. A public authority that is responsible for public land affected by a control order must reduce the number of pest animals on the land to the extent necessary to minimise the risk of the animals causing damage on land (proposed section 138F). Provision is made for the entry and inspection of land to which a control order applies and for the recovery of inspection costs from occupiers of both private and public land (proposed sections 138G and 138H). A mechanism is also provided enabling the Premier to resolve disputes between the Minister and another Minister with respect to control orders affecting public land for which the other Minister or a public authority is responsible (proposed section 138I).

Schedule 1 (4) makes a consequential amendment to Schedule 4 (Sale of land for non-payment of money owing to a board).
