

Rural Lands Protection (General) Regulation 2001

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New South Wales

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Notes—

- **Does not include amendments by**
 - [Parliamentary Electorates and Elections Amendment Act 2006 No 68](#) (not commenced)
 - [Road Transport \(Safety and Traffic Management\) Amendment \(Law Revision\) Regulation 2008 \(189\)](#) (GG No 69 of 13.6.2008, p 5357) (not commenced — to commence on 1.7.2008)

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New South Wales

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Rural Lands Protection (General) Regulation 2001



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Rural Lands Protection (General) Regulation 2001*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation commences on 28 September 2001.
- (2) Part 8 of this Regulation commences on 28 September 2002.

3 Interpretation

- (1) **Definitions** In this Regulation:

intensive livestock production means the keeping or nurturing of stock for commercial purposes wholly or substantially by routinely feeding them prepared or manufactured feed (except temporary feeding during, and as a result of, drought, fire, flood or similar emergency).

required travelling rate means the rate of travel required by clause 47 (1).

small stock means stock other than large stock.

Note—

large stock is defined in the Dictionary to the Act.

stock unit is defined in subclause (2).

stock warning sign is defined in clause 15.

the Act means the *Rural Lands Protection Act 1998*.

- (2) **Stock units** For the purposes of this Regulation (other than clause 11):
 - (a) a sheep that is at least 6 months old represents 1 stock unit, and

- (b) a goat that is at least 6 months old represents 1 stock unit, and
- (c) a deer that is at least 6 months old represents 1 stock unit, and
- (d) a bull, cow, ox, heifer, steer, calf or buffalo that is at least 6 months old represents 10 stock units, and
- (e) a horse that is at least 6 months old represents 10 stock units, and
- (f) a camel that is at least 6 months old represents 10 stock units, and
- (g) an alpaca that is at least 6 months old represents 1 stock unit, and
- (h) a llama that is at least 6 months old represents 1 stock unit, and
- (i) a pig of any age represents 1 stock unit, and
- (j) an ostrich that is at least 6 months old represents 1 stock unit, and
- (k) an emu that is at least 6 months old represents 1 stock unit.

(3) **Forms** In this Regulation, a reference to a form is a reference to a form contained in Schedule 1.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Elections

5 Elections of members of State Council and directors of boards

Schedules 2 and 3 have effect.

Part 3 Rates

6 What is rateable land?

- (1) For the purposes of section 60 (a) of the Act, the area prescribed in relation to a district is the area set out in relation to that district in Schedule 4.
- (2) For the purposes of section 60 (b) of the Act, the following land within a district is rateable land:
 - (a) (Repealed)
 - (b) land used for intensive livestock production if as at 30 June in the preceding year the number of stock kept on the land represented not less than 50 stock units,
 - (c) land owned by the Crown that is the subject of a tenure from the Crown and has

an area that is not less than the area prescribed in relation to the district under subclause (1).

7 How are rates to be made?

- (1) A general rate and an animal health rate for each year are to be made by a resolution of the board. The resolutions may be made in the previous year but must be made by 31 March of the year to which they relate.

Note—

Under section 79 of the Act, the State Council (with the approval of the Minister) may extend the time within which the rates may be made.

- (2) A special purpose rate (if any) is to be made by resolution of the board.
- (3) The board is to make a general rate for rateable land by setting an amount payable for each stock unit based on the total notional carrying capacity of rateable land in the district.
- (4) The board is to make an animal health rate for rateable land by setting an amount payable for each stock unit based on the total notional carrying capacity of all rateable land in the district for which the annual returns lodged in the year preceding the year in which the rate is payable indicate that at least 50 stock units were kept on the land as at 30 June in the year.
- (4A) The board is to make a special purpose rate (if any) for rateable land by setting an amount payable for each stock unit based on the total notional carrying capacity of rateable land in the district.
- (5) The amount payable in respect of rateable land is calculated in accordance with the following formula:

$$P = R \times C$$

where:

P represents the amount payable.

R represents the general rate, animal health rate or special purpose rate made by the board in accordance with this clause.

C represents the notional carrying capacity of rateable land determined in accordance with clause 11.

- (6) If the amount of the general rate payable under subclause (5) is less than the minimum general rate for the district, the amount payable is the minimum general rate.

Note—

See clause 8 (1).

- (7) If the amount of the animal health rate payable under subclause (5) in respect of land in a district is less than the minimum animal health rate specified for the district, the amount payable is the minimum animal health rate.

Note—

See clause 8 (2).

- (8) In calculating the general rate or animal health rate payable in respect of land, the board must disregard any part of the land used for intensive livestock production in respect of which an animal health rate is payable.

8 Minimum general and animal health rates

- (1) The minimum general rate for each district is set out opposite the name of the board for the district in Column 1 of the Table in Schedule 5.
- (2) The minimum animal health rate for each district is set out opposite the name of the board for the district in Column 2 of the Table in Schedule 5.

9 Special purpose pest insect eradication rates

- (1) Without limiting the purposes for which a special purpose rate may be levied, a special purpose rate may be levied to fund estimated expenditure by the board in contributing to the costs of eradicating pests that are insects in the district under section 172 of the Act.
- (2) Despite clause 7 (4A), a board is to make a special purpose rate for the purposes specified in subclause (1):
- (a) in the case of a board specified by the State Council for the purposes of this clause, in accordance with subclause (3), or
- (b) in any other case, in accordance with clause 7 (4A).
- (3) A board referred to in subclause (2) (a) must calculate the special purpose rate in accordance with the following formula:

$$R = X + (A \times C)$$

where:

R represents the special purpose rate payable.

X represents the base amount determined by the State Council in respect of the board for the purposes of the rate.

A represents an amount, determined by the board, payable for each stock unit based on the total notional carrying capacity of rateable land in the district.

C represents the notional carrying capacity of rateable land determined in accordance with clause 11.

10 Exemption from liability for animal health rate

- (1) For the purposes of section 62 (5) (d) of the Act, rateable land is exempt from any animal health rate for a year if the annual return lodged by the due date in respect of the land for the preceding year indicates that the total number of stock kept on the land was less than the number of stock represented by 50 stock units.
- (2) For the purposes of subclause (1), in calculating the total number of stock kept on land, if any horses are kept on the land only so many horses as exceed 5 in number are to be taken into account.

11 Assessment of notional carrying capacity

- (1) In determining the notional carrying capacity of land for the purposes of this clause:
 - (a) a 40 kilogram wether sheep of any breed represents 1 stock unit, and
 - (b) a 400 kilogram steer of any breed represents 10 stock units.
- (2) For the purposes of section 69 of the Act, a board is to assess the notional carrying capacity of land by reference to the number of stock units that could be maintained on the land in an average season under management practices that, in the board's opinion, are usual for the district.
- (3) The assessment is to be made whether or not the land is, at the date of assessment, used for any purpose.
- (4) Without limiting matters that the board may have regard to in assessing the notional carrying capacity of particular land, the board:
 - (a) must disregard the presence of noxious weeds or pest animals on the land, and
 - (b) must not take into consideration the use of irrigation if the land is irrigated land used for permanent plantings of trees or vines, and
 - (c) must make its assessment as if the raising of stock were the only use of the land, and
 - (d) in the case of land that remains in or is reverting to its original undeveloped state—must base its assessment on the condition of the land as at the date of assessment.
- (5) In assessing the notional carrying capacity of land used for intensive livestock production, a board must have regard to the following:
 - (a) the nature of the holding or structure concerned,

- (b) any improvement and equipment used for the purposes of intensive livestock production on the land,
- (c) the manner in which the holding has been worked,
- (d) any other matter that it considers necessary.

12 Annual returns

- (1) For the purposes of section 76 (1) of the Act, the following are prescribed persons:
 - (a) the occupier of a holding in a district that is rateable land as at 30 June in the financial year of the appropriate board in which the annual return concerned is due to be lodged,
 - (b) the occupier of a holding in a district that is non-rateable land that has had a property identification code allotted to the land under Part 3 of the *Stock Diseases (General) Regulation 1997*,
 - (c) the owner or occupier of a holding in a district that is non-rateable land who is the registered proprietor of a brand or earmark under Part 12 of the *Rural Lands Protection Act 1989* the registration of which is continued in force by clause 30 of Schedule 7 to the Act at any time during the financial year for which the annual return concerned is due to be lodged.
- (2) For the purposes of section 76 (1) of the Act, if there are 2 or more occupiers of a holding referred to in subclause (1) (a), an annual return duly lodged by any one of the occupiers is taken to have been lodged by all the occupiers.
- (3) An annual return for a holding is to be lodged with the appropriate board not later than on 31 July in each year and is to be signed by, or on behalf of, the person lodging it.
- (4) For the purposes of section 76 (2) of the Act, an annual return lodged by an occupier of a holding is to detail the following matters:
 - (a) the full name of the occupier,
 - (b) the postal address and telephone number (if any) of the occupier,
 - (c) the address of the land, if different from the address referred to in paragraph (b),
 - (d) the rate assessment number shown on the rate notice for the land,
 - (e) a description of the land, including:
 - (i) the portion number or lot and deposited plan number,
 - (ii) the names of the parish and county where the land is located,

- (iii) the area of the land,
 - (iv) details of any part of the land that is a conservation area within the meaning of the *National Parks and Wildlife Act 1974*,
 - (f) the number of each category of stock other than pigs kept on the land that were 6 months of age or over on 30 June in the year in which the return is due,
 - (g) the number of pigs of any age kept on the land on 30 June in the year in which the return is due,
 - (h) whether or not intensive livestock production is carried out on the land,
 - (i) if one or two individuals are nominated as the person or persons entitled to be enrolled in respect of the holding under clause 12 of Schedule 2 to the Act—the full name of each individual.
- (5) For the purposes of section 76 (2) of the Act, an annual return lodged by a person referred to in subclause (1) (b) or (c) is to detail the following matters:
- (a) the full name of the person,
 - (b) the postal address and telephone number (if any) of the person,
 - (c) details of any identifier attached to stock kept on the holding to which the return relates by the person, or supplied to the person, in accordance with Part 8 (Stock identification) in the year for which the return is due,
 - (d) details of any property identification code allotted to land occupied by the person under Part 3 of the *Stock Diseases (General) Regulation 1997*,
 - (e) the number of each category of stock other than pigs kept on the land that were 6 months of age or over on 30 June in the year in which the return is due,
 - (f) the number of pigs of any age kept on the land on 30 June in the year in which the return is due.

(6) In this clause:

appropriate board means the board for the district in which the holding for which an annual return is required to be lodged is located.

13 Purposes for which information in annual return may be used

Without limiting the purposes for which information obtained by a board under Division 7 of Part 7 of the Act may be used, the information may be used for the following:

- (a) to verify the notional carrying capacity of land,
- (b) to facilitate the administration of animal health services or animal production services

by the board,

- (c) to prepare statistical data concerning animal health or the protection of rural lands,
- (d) to prepare an annual report under the Act or the *Annual Reports (Statutory Bodies) Act 1984*,
- (e) to prepare a roll of electors.

14 Land exempt from operation of Part 7 (Rates) of the Act

- (1) For the purposes of section 244 of the Act, the following are exempt from the operation of the provisions of Part 7 of the Act:
 - (a) any part of a holding used as a motel or caravan park,
 - (b) any part of a holding occupied by a board,
 - (c) any part of a holding occupied by a local government council and that is used for a purpose other than an agricultural enterprise,
 - (d) any part of a holding used for the purposes of a cemetery, golf course, racecourse, showground or industrial area.
- (2) For the purposes of section 244 of the Act, the following land is exempt from the operation of the provisions of Part 7 (other than section 76) of the Act:
 - (a) any part of a holding on which a rifle range or buildings ancillary to the conduct of such a range are located,
 - (b) any part of a holding used for growing sugar cane.

Part 4 Travelling stock reserves and public roads

Division 1 Preliminary

15 Interpretation

- (1) In this Part:

permanent stock zone means the whole or part of a public road set aside as a permanent stock zone in accordance with clause 16.

permanent stock zone sign means a stock warning sign:

- (a) displaying particulars approved by the roads authority in the manner approved for the purposes of this definition, or
- (b) of a type approved by the roads authority.

public road includes the shoulder of a public road.

roads authority means roads authority within the meaning of the *Roads Act 1993*.

shoulder of a public road includes any part of the road that is not designed to be used by motor vehicles in travelling along the road.

stock warning sign means a sign warning road users of the presence of stock.

stock zone means a permanent stock zone or temporary stock zone.

stock zone sign means a permanent stock zone sign or a temporary stock zone sign.

temporary stock zone means the whole or part of a public road set aside as a temporary stock zone in accordance with clause 16.

temporary stock zone sign means a stock warning sign:

- (a) displaying particulars approved by the State Council in the manner approved for the purposes of this definition, or
- (b) of a type approved by the State Council.

- (2) For the purposes of this Part, a stock warning sign that depicts a particular kind of stock applies to every other kind of stock.

16 How are stock zones established?

- (1) **Permanent stock zones** A roads authority may set aside the whole or any part of a public road as a permanent stock zone.
- (2) A permanent stock zone is to be designated by a permanent stock zone sign exhibited at the entry to the zone to which it relates.
- (3) The permanent stock zone sign is to be positioned so that:
 - (a) there is not less than 200 metres between the sign and the place where a vehicle being driven towards the stock would first encounter the stock, and
 - (b) the driver of a vehicle being driven towards the stock along the road is warned of the presence or likely presence of the stock a reasonable distance before the vehicle would first encounter the stock.
- (4) **Temporary stock zones** A person who owns or has charge of stock that are grazing or walking on a public road may set aside the whole or part of that public road as a temporary stock zone.
- (5) An occupier of land through which an unfenced public road passes must set aside that part of the road passing through the land as a temporary stock zone if the land is normally grazed by stock.
- (6) A temporary stock zone is to be designated by a temporary stock zone sign exhibited

at the entry point of the zone to which it relates.

- (7) A temporary stock zone sign exhibited by a person referred to in subclause (4) is to be positioned so that there is not more than 5 kilometres, and not less than 200 metres, between the sign and the place where a vehicle being driven towards the stock would first encounter the stock.
- (8) A temporary stock zone sign exhibited by a person referred to in subclause (5) is to be positioned so that the driver of a vehicle being driven towards the stock along the road is warned of the presence or likely presence of the stock a reasonable distance before the vehicle would first encounter the stock.
- (9) The provisions of Part 20 of the *Australian Road Rules* apply to a permanent stock zone sign or temporary stock zone sign in the same way as they apply to a traffic sign within the meaning of the Rules.

Note—

See, eg, rule 327 which provides that the length of road to which a traffic sign on a road applies is worked out in the direction driven by a driver on the road who faces the sign before passing it. A copy of the *Australian Road Rules* may be obtained from the NSW Government Information Service or at www.nrtc.gov.au/links/Aust_road.asp

Division 2 Stock zones

17 Offences relating to stock zones

- (1) The owner or person in charge of stock that are on a public road must ensure, as far as practicable, that the stock do not pose a hazard to any person, animal or vehicle on the road.
- (2) The owner or person in charge of stock that are on or near a public road must ensure that the stock are in a stock zone if it is reasonably foreseeable that they may be a hazard to any person, animal or vehicle on the road.
- (3) The driver of a mechanically powered vehicle must give way to stock and to all other animals and any vehicle accompanying stock in a stock zone.

Maximum penalty: 20 penalty units.

18 When must temporary stock zone signs be displayed?

- (1) A person moving or grazing stock on or near any part of a public road that is not a permanent stock zone must display a temporary stock zone sign in accordance with this Part.
- (2) It is a defence to a prosecution for an offence under subclause (1) if it is proved that:
 - (a) compliance with the subclause was not necessary because the presence of the stock did not result in any reasonably foreseeable hazard to any person, animal or

vehicle on the public road, or

(b) the failure to comply with the subclause was due to circumstances that were beyond the control of, and could not reasonably have been foreseen by, the person in charge of the stock.

(3) The person must remove the temporary stock zone sign when the stock are no longer on or near any part of a public road that is not a permanent stock zone.

Maximum penalty: 20 penalty units.

19 Interference with signs

A person must not, without lawful authority, remove, interfere with, damage, deface or affix advertising material or any other thing to any stock zone sign.

Maximum penalty: 20 penalty units.

20 Authority to exhibit stock zone signs

(1) A person has authority to exhibit a stock zone sign if:

(a) the person is the roads authority or is a person authorised by the roads authority, or

(b) the person exhibits the sign in accordance with the requirements of this Regulation.

(2) A person must not, without lawful authority, exhibit a stock zone sign.

Maximum penalty: 20 penalty units.

21 Directions to remove temporary stock zone signs

(1) A board that considers that a temporary stock zone sign erected on a public road in the district of the board does not relate to stock on or near the road may:

(a) remove the sign, or

(b) direct any person exhibiting the sign to remove it within a specified time.

(2) A person to whom a direction is given under subclause (1) must comply with the direction.

Maximum penalty: 10 penalty units.

Division 3 Use of travelling stock reserves and public roads generally

22 Travelling stock on travelling stock reserves to be prevented from moving onto

carriageways between sunset and sunrise

A person in charge of travelling stock on a travelling stock reserve through which an unfenced public road passes must ensure, so far as is reasonably practicable, that the stock are fenced or otherwise prevented from moving onto the carriageway of the public road between sunset and sunrise.

Maximum penalty: 20 penalty units.

23 Unauthorised use of public roads

For the purposes of section 96 (2) of the Act, the following are prescribed as circumstances in which a person who owns or has charge of stock that are walking or grazing on a public road is not guilty of an offence under section 96 of the Act:

- (a) if the stock are horses that are being ridden or led in daylight,
- (b) if the stock are drawing or being led by a vehicle in daylight,
- (c) if the person is moving the stock in daylight from one part of a holding that is contiguous to another part of the holding from which it is separated only by a public road,
- (d) if the person is moving the stock at any time along the road in an emergency,
- (e) if the person is moving dairy cows from one part of a holding that is contiguous to another part of the holding from which it is separated only by a public road during the period between sunset and sunrise on the following day for the shortest practicable distance,
- (f) if the person is authorised to walk or graze stock on the public road by or under the [Crown Lands Act 1989](#) or any other Act or regulation,

and the stock are travelling at the applicable required rate of travel.

24 Control of activities on travelling stock reserves

- (1) The responsible board for a travelling stock reserve may prohibit, or regulate, the carrying on of any activity on the reserve by erection of a sign at or near the entrance to the travelling stock reserve or in some prominent place within the reserve.
- (2) A person who carries on an activity in contravention of a sign referred to in subclause (1) is guilty of an offence.

Maximum penalty: 10 penalty units.

25 Removal of signs

A person who, without lawful authority, removes, damages or interferes with a sign displayed by the responsible board on a travelling stock reserve is guilty of an offence.

Maximum penalty: 10 penalty units.

26 Authorised use of travelling stock reserves for recreational activities

- (1) For the purposes of section 97 of the Act, the following are prescribed as recreational activities for which a person is authorised (subject to the Act and subclause (2)) to use a travelling stock reserve (or part of a travelling stock reserve) other than an excluded reserve:
 - (a) walking, running and other kinds of individual physical exercise,
 - (b) horse riding,
 - (c) picnicking,
 - (d) fishing,
 - (e) swimming,
 - (f) pedal cycling.
- (2) Subclause (1) does not apply to use of a travelling stock reserve (or part of a travelling stock reserve) for a purpose referred to in that subclause if the responsible board has made a closure order in respect of the reserve or part of any such reserve under section 93 (1) (b) of the Act.
- (3) In this clause:

excluded reserve means a travelling stock reserve (or part of a travelling stock reserve) in the Western Division or a stock watering place.

27 Offences on travelling stock reserves

- (1) A person must not, except in accordance with a permit issued by the responsible board for a travelling stock reserve:
 - (a) waste any water provided on the reserve for stock, or
 - (b) divert or in any other way interfere with the natural flow of water on the reserve,
or
 - (c) swim or bathe in a water tank or dam installed or constructed on the reserve, or
 - (d) light a fire in the reserve at any time when the lighting of fires in the reserve is prohibited by the responsible board by signs displayed on or near the reserve or at any other time except in a fireplace designated by the responsible board by the display of such a sign.

Maximum penalty: 10 penalty units.

- (2) A person must not, without the authority in writing of the responsible board or other reasonable excuse, damage or interfere with a structure, appliance or other article that forms part of or is lawfully on a travelling stock reserve.

Maximum penalty: 20 penalty units.

- (3) A person must not, without reasonable excuse, interfere with stock or beehives that are lawfully on a travelling stock reserve.

Maximum penalty: 20 penalty units.

28 Stock to be adequately controlled

- (1) A person in charge of stock must keep the stock under control at all times while the stock are on a public road or travelling stock reserve.

- (2) A person in charge of stock who, without reasonable excuse, fails to comply with this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

- (3) In this clause:

control, in relation to stock, means action designed to ensure that the stock do not stray to a location, or do not behave in a manner, that would be hazardous to passing traffic or to the general public.

29 Obligations of occupiers of land adjoining public roads or travelling stock reserves

- (1) This clause applies to an occupier of any land in a district that adjoins an unfenced public road or travelling stock reserve who is given oral or written notice by the owner or person in charge of travelling stock at least 24 hours before the stock travel or graze on that road or reserve that the stock will travel or graze on that road or reserve.

- (2) An occupier of land to whom this clause applies must take all reasonably practicable steps to prevent the stock from causing any injury, damage or harm to the land or any thing on it.

Maximum penalty: 10 penalty units.

30 Persons prohibited from depositing or leaving rubbish, carcasses and other things on reserves

A person must not, without lawful authority, deposit or leave on any travelling stock reserve any rubbish or animal carcass, vehicle, equipment, implement or movable structure or other thing.

Maximum penalty:

- (a) in the case of an animal carcass—50 penalty units for the first animal carcass deposited or left by the person and 5 penalty units for each additional carcass deposited or left at the same place and time by that person, and
- (b) in the case of any other thing—50 penalty units.

31 Responsible board not liable for use of pesticides or chemicals on reserves

- (1) For the purposes of section 123 of the Act, notice is given that a pesticide or chemical is about to be applied to a controlled travelling stock reserve if a warning sign is displayed in a conspicuous place on the reserve in accordance with this clause before the pesticide or chemical is applied.
- (2) For the purposes of section 123 of the Act, notice is given that a pesticide or chemical has been applied to a controlled travelling stock reserve if a warning sign is displayed in accordance with this clause immediately after the pesticide or chemical is applied.
- (3) A warning sign referred to in subclause (2) must be displayed for not less than the following periods:
 - (a) in the case of a pesticide or chemical the use of which requires the display of warning signs under a pesticide control order in force under the *Pesticides Act 1999* or a permit in force under the *AGVET Code of New South Wales*—for the minimum period specified for the pesticide or chemical in the order or permit,
 - (b) in the case of any other kind of pesticide or chemical—for the period (if any) decided by the board concerned after taking into account any withholding period specified in the label registered or approved under that Act or Code for the pesticide or chemical.
- (4) In this clause:

warning sign means a weather-proof sign containing a prominent warning that a pesticide or chemical is about to be, or has been, applied to a controlled travelling stock reserve.

32 Responsible board not liable for injury attributable to diseased travelling stock

For the purposes of section 124 of the Act, notice is given that diseased travelling stock have been walked over or grazed on a travelling stock reserve or public road situated in a district if:

- (a) notice is published in a newspaper circulating generally in the district stating that stock infected with a disease specified in the notice were walked over or grazed on the reserve or public road on a date or during a period specified, and
- (b) any stock permit issued by the responsible board for the district authorising a person to walk or graze stock on the reserve or public road that the board knows, or ought

reasonably to know, are susceptible to the disease concerned is endorsed with a prominent statement that stock infected with the disease were walked over or grazed on the reserve or public road on a date or during a period specified.

33 When may a responsible board impound bees or beehives placed or kept on a controlled travelling stock reserve?

- (1) For the purposes of section 125 (2) of the Act, an authorised officer of a responsible board impounds bees or beehives placed or being kept on a controlled travelling stock reserve by taking possession of the bees or beehives. The bees or beehives continue to be impounded until released or disposed of in accordance with this clause.
- (2) The authorised officer may detain bees or beehives that are impounded at the place where they were impounded or may remove them to any land under agistment or to some other place owned or under the control of the responsible board and detain them at that place.
- (3) As soon as practicable after an authorised officer impounds bees or beehives under this clause, the authorised officer is to make all reasonable inquiries to find the name and address of the person who owns the bees or beehives.
- (4) If the authorised officer knows or finds out the name and address of the owner, the responsible board is to notify the owner in writing that the bees or beehives have been impounded and that unless they are claimed within a period stated in the notice (ending not less than 7 days after the notice is given) they will be sold or otherwise disposed of.
- (5) A responsible board may sell or otherwise dispose of bees or beehives that have been impounded:
 - (a) if the name and address of the owner is not known or cannot be found out—7 days after the bees or beehives were impounded, or
 - (b) if an impounding notice is given to the owner—if at the end of the period stated in the notice the bees or beehives have not been claimed.
- (6) The responsible board is to release the bees or beehives if a person whom the board is satisfied on reasonable grounds is the owner (or is authorised to claim them on the owner's behalf) claims the bees or beehives within the period stated in the notice unless it declines to do so under section 125 (3) of the Act.

Note—

A responsible board may decline to release impounded bees or beehives if the prescribed impounding fee is not paid.

- (7) For the purposes of section 125 (3) of the Act, the prescribed impounding fee is \$200.
- (8) In this clause:

impounding notice means a notice given under subclause (4).

34 Compliance with directions

- (1) An authorised officer of a responsible board who suspects, on reasonable grounds, that a person is committing or has committed an offence against the Act or this Regulation on a travelling stock reserve may direct the person to leave the reserve.
- (2) A person who fails, without reasonable excuse, to comply with a direction given under this clause is guilty of an offence.

Maximum penalty: 5 penalty units.

- (3) If a person fails to comply with a direction given under this clause, the authorised officer may use force (but no more than is necessary in the circumstances) to remove the person from the reserve.

Division 4

35-43 (Repealed)

Division 5 Permits

44 Applications for permits

- (1) An application for a permit is to be made to the responsible board:
 - (a) orally, or
 - (b) in the approved form (if any) for the permit concerned.
- (2) If an application is made orally, the responsible board may request the applicant to confirm the application in writing.

Note—

If a board has delegated its functions relating to applications to a director of the board, a member of the staff of the board or an authorised officer the application may be made to the delegate.

- (3) An application for a stock permit must be made at least 2 working days before the stock enter, remain on, walk or graze on, or are moved by vehicle over, a travelling stock reserve or public road in the district of the board (unless the responsible board agrees to accept the application although it is not made in that period).

Note—

Section 102 of the Act requires an application to be made in accordance with the regulations. A board need not process an application that is not received at least 2 working days before it is required.

- (4) **Fee for issue of permit** For the purposes of section 102 (2) of the Act, the fee prescribed in respect of a stock permit is as follows:
 - (a) for a stock permit authorising a person to walk stock, being:

- (i) small stock—\$1 per 100 head or less, and
- (ii) large stock—\$1 per 10 or less large stock,
for each 10 kilometres or less to be walked,
- (b) for a stock permit authorising a person to graze stock, being:
 - (i) small stock—\$1 per day for each 10 or less small stock, and
 - (ii) large stock—\$1 per day for each large stock,
- (c) for a stock permit authorising any other thing—\$10 per annum.

45 Refund of fees

The responsible board may refund all or any part of a fee paid in respect of a permit if the permit is cancelled or suspended.

46 Conditions of stock permits and reserve use permits

The holder of a permit must:

- (a) produce the permit for inspection on demand by an authorised officer, and
- (b) comply with any reasonable request made, or direction given, by an authorised officer.

Maximum penalty: 5 penalty units.

47 Rate of travel to be maintained

- (1) The holder of a permit who is in charge of travelling stock that are walking on a journey lasting more than 24 hours must ensure that the stock travel towards their destination a distance of not less than 10 kilometres on each day.

Maximum penalty: 20 penalty units.

- (2) A person is not guilty of an offence under subclause (1) if:
 - (a) the stock are prevented from travelling at the required travelling rate due to bad weather, fire, flood or some other unforeseeable circumstance, or
 - (b) approval for the stock to travel at a slower rate has been given under subclause (3).
- (3) An authorised officer of a board may give approval for stock to travel at a slower rate than the required travelling rate:
 - (a) if the stock are unfit to travel at the required travelling rate, or

(b) for any other reason the authorised officer considers appropriate.

- (4) The approval may be given subject to such conditions as are specified by the authorised officer.
- (5) The authorised officer is to write details of the approval on the permit concerned, together with any conditions subject to which the approval is given.
- (6) If part of a mob consists of stock fit to travel at the required travelling rate and other stock unfit to travel at that rate, an authorised officer of the board concerned may:
- (a) order the unfit stock to be culled from the mob, or
 - (b) give approval, subject to such conditions as are specified by the authorised officer, for those stock to travel at a slower rate.
- (7) The person in charge of stock ordered to be culled under this clause must ensure that the stock are immediately removed by vehicle or other appropriate means from the public road or travelling stock reserve on which they were travelling.

Maximum penalty: 10 penalty units.

- (8) **Fee for slower rate of travel** The fee payable for an approval to travel at a slower rate under this clause is:
- (a) for small stock—\$2 per 100 head or less for each day of travel, and
 - (b) for large stock—\$2 per 10 or less large stock for each day of travel.
- (9) Any fee payable under subclause (8) is in addition to the fee payable under clause 44 for issue of a permit.
- (10) The owner or person in charge of stock which travel at a slower rate than the required travelling rate must ensure the appropriate fees are paid to the board.

Maximum penalty: 10 penalty units.

Division 6 Miscellaneous

48 Removal of soil, gravel and other materials

- (1) A person must not remove any water, soil, sand, clay or gravel or other material from a travelling stock reserve.

Maximum penalty: 20 penalty units.

- (2) This clause does not apply to any removal of water or any other material authorised by or under the Act, any other Act or this Regulation.

49 Interest rate

For the purposes of section 120 (2) (c) of the Act, the prescribed rate of interest is 2 per cent more than the Commonwealth Bank's overdraft index rate as at 1 January in each year.

50 Notice of exemption or cancellation of exemption

- (1) For the purposes of section 128 (4) of the Act, the prescribed notice to be given by a board for a district is:
 - (a) if a person is exempted from the operation of Part 8 (Travelling stock reserves and public roads) of the Act or a specified provision of that Part (or if such an exemption is cancelled)—by giving notice in writing to the person of the exemption or cancellation, and
 - (b) if a class of persons is exempted from the operation of Part 8 or a provision of the Part (or if such an exemption is cancelled)—by publishing notice of the exemption or cancellation in a newspaper circulating generally in the district.
- (2) If an exemption is given to 2 or more occupiers of land or an exemption given to 2 or more occupiers of land is cancelled, notice duly given to any one of the occupiers under subclause (1) (a) is taken to have been given to the other occupiers of the land.

Part 5 Stock watering places

51 Leases of stock watering places

For the purposes of section 134 (2) of the Act, the prescribed period is 15 years.

52 Supply of water

- (1) For the purposes of section 135 (a) of the Act, the following classes of persons are prescribed:
 - (a) persons requiring water for household purposes,
 - (b) a local authority or Government agency that has obtained the approval of the controlling authority to use water from the stock watering place in the construction, improvement or maintenance of public roads,
 - (c) persons requiring water for personal use related to a commercial purpose (such as supply of water to the patrons of a hotel, motel or other place providing accommodation to the public),
 - (d) drivers of vehicles who require water for the operation of their vehicles,being persons who have paid the fee (if any, and not exceeding the maximum determined by the State Council from time to time) determined by the controlling

authority to be payable for the purposes of this subclause.

(2) For the purposes of section 135 (a) of the Act, the following classes of stock are prescribed:

- (a) stock that are being agisted by the lessee of a stock watering place in accordance with the terms of the lease,
- (b) travelling stock that are subject to a stock permit,
- (c) travelling stock that are subject to an order made or a permit issued under the *Stock Diseases Act 1923*,
- (d) horses that are accompanied by riders,

being stock in respect of which the fee (if any, and not exceeding the maximum determined by the State Council from time to time) determined by the controlling authority to be payable for the purpose of this subclause has been paid.

(3) In this clause:

household purposes does not include gardening purposes or external household purposes (such as window cleaning or house washing) but includes protection from fire.

53 Offence to obtain water from stock watering place where depth below specified level

If a depth measuring gauge installed by the controlling authority in a tank or dam at a stock watering place indicates the water level is below a mark indicated by the gauge a person must not:

- (a) take, or assist another person to take, water from the tank or dam, or
- (b) fail to take all reasonable steps to prevent any stock in the person's charge from drinking water from the tank or dam.

Maximum penalty: 10 penalty units.

Part 6 Impounding of unattended and trespassing stock and abandoned articles

54 Unattended stock

For the purposes of section 138 (b) of the Act, stock are not unattended for the purposes of section 9 (2) (d) and 32 (3) of the *Impounding Act 1993* in the following circumstances:

- (a) if stock are unattended because of an emergency preventing the person in charge of the stock from attending the stock,
- (b) if the stock are unattended while the person in charge of the stock is moving a stock

warning sign or taking other action necessary for the well-being of the stock or required by law.

Part 6A Transportation of stock by vehicle

54A Stock

For the purposes of Part 10A of the Act, the following animals are declared to be **stock**:

- (a) goats,
- (b) horses.

54B Other circumstances when restrictions on transport of stock by vehicle on a road do not apply

For the purposes of section 140C (5) (d) of the Act, the following are prescribed as circumstances in which section 140C of the Act does not apply to the transport of stock by vehicle on a road:

- (a) when horses are being transported to or from any agricultural show, exhibition, gymkhana, pony club meeting or similar function,
- (b) when racehorses or harness racing horses are being transported from one place to another,
- (c) when horses are moved to or from any place for use as working horses.

54C Exemption relating to restrictions on the transport of sheep by vehicle on a road

- (1) An owner of sheep, or person in charge of a vehicle in which sheep are being transported, is exempt from the operation of sections 140B and 140C of the Act to the extent that those provisions require a transported stock statement completed, copied, provided or possessed by the person to contain stock transportation particulars in relation to the sheep of a kind referred to in section 140B (1) (f) and (g).
- (2) This clause ceases to have effect 2 years after the day on which it commences.

Part 7 Powers of authorised officers

55 Identification

For the purposes of section 187 (3) (f) of the Act, the prescribed person is the following:

- (a) if the authorising authority is a board—the Chairperson of the board or a delegate of the Chairperson,
- (b) if the authorising authority is the Minister—the Minister or a delegate of the Minister,
- (c) if the authorising authority is the State Council—the Chief Executive Officer or a

delegate of the Chief Executive Officer,

- (d) if the authorising authority is the Director-General—the Director-General or a delegate of the Director-General.

56 Penalty notices for certain offences

For the purposes of section 206 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 6 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 6.

57 (Repealed)

Part 8 Stock identification

58 Definitions

In this Part:

authorised stock identifier means a brand, mark or other means of identifying stock specified as the authorised stock identifier for particular stock or a class of stock by a stock identification order.

stock identification order means an order under clause 59 (2).

stock identification scheme means a scheme established under clause 59 (1).

59 Stock identification scheme

- (1) The State Council may establish a scheme or schemes for identification of stock (whether on a compulsory or voluntary basis).
- (2) The State Council may, by order published in the Gazette, for the purposes of a stock identification scheme:
- (a) specify brands, marks or other means of identifying particular stock or a class of stock as the authorised stock identifiers for the specified stock or class of stock,
- (b) require devices for applying authorised stock identifiers to be constructed to specifications described in the order,
- (c) specify a distinctive manner of application of authorised stock identifiers,
- (d) require the compulsory identification of stock by the owner or person in charge of specified stock or a class of stock by authorised stock identifiers, applied in such a manner and in such circumstances as are specified by the State Council,

- (e) require approval to be obtained from a board before stock are identified (whether on a compulsory or a voluntary basis) by application of authorised stock identifiers,
- (f) require the keeping of records and compilation of data relating to stock identified under the scheme,
- (g) make any other provision necessary to give effect to the scheme.

Editorial note—

For orders under this subclause see Gazette No 140 of 18.11.2005, p 9591.

- (3) Unless otherwise determined by the State Council, the board for a district is to administer any stock identification scheme applying to stock in the district.

60 Offences relating to stock identification schemes

- (1) A person required to identify stock by a stock identification order who fails, without reasonable excuse, to identify stock in accordance with any requirement of the order is guilty of an offence.
- (2) A person who applies a brand, mark or other means of identifying stock to identify stock on a voluntary basis who fails without reasonable excuse:
 - (a) to use the authorised stock identifier for the stock or class of stock concerned, or
 - (b) to apply the means of identification in the manner specified by a stock identification order,is guilty of an offence.
- (3) A person given approval by a board to apply authorised stock identifiers to stock or a class of stock in accordance with a stock identification order who applies a means of identifying stock other than the authorised stock identifier to stock is guilty of an offence unless the means of identification applied is authorised by another law.
- (4) A person must not apply any brand, mark or other means of identifying stock to stock that the person does not own unless:
 - (a) the brand, mark or means of identifying the stock is applied with the consent of the owner of the stock, or
 - (b) the person is authorised under a stock identification scheme to apply the brand, mark or means of identifying the stock.
- (5) A person who constructs a device for applying an authorised stock identifier otherwise than in accordance with the specifications described for the device in a stock identification order is guilty of an offence.

- (6) A person who alters, destroys, defaces or otherwise interferes with an authorised stock identifier applied in accordance with the requirements of a stock identification scheme is guilty of an offence.

Maximum penalty: 50 penalty units.

Part 9 Miscellaneous

61 Animal health functions of board

- (1) A board may provide such animal health services (including advisory services and services related to animal production) with respect to prescribed stock and any other animal that has a disease which may affect prescribed stock in its district.

- (2) In this clause:

prescribed stock means sheep, goats, deer, cattle, horses, camels, alpacas, llamas, pigs, ostriches and emus.

62 Nuisance animals

A board at the request of the owner or occupier of a holding in its district, may carry out any activity it considers necessary to control any animal (other than a pest within the meaning of Part 11 of the Act) causing a nuisance on the holding.

63 Emergency management

- (1) Without limiting section 42 (2) (d) of the Act, a board may carry out such activities as it considers appropriate to protect land and animals within its district, and to provide assistance to protect land and animals in any other district, from harm caused by drought or other natural disaster.

- (2) The Minister may request from time to time request:

(a) the State Council to provide the Minister with seasonal and pastoral condition information concerning land in the districts of the boards, or

(b) any board to provide the Minister with a seasonal and pastoral condition information concerning land in the district of the board.

64 Appointment of an initial administrator

For the purposes of section 223 (2) of the Act, the prescribed particulars are particulars identifying the holding in respect of which the elector is entitled to be enrolled.

65 Certificate as to rates, charges and other matters

- (1) For the purposes of section 236 of the Act, the following are prescribed as matters in respect of land in a district as to which a person may apply to the board for the district

for a certificate:

- (a) whether or not any orders have been issued by the board under the Act or the *Rural Lands Protection Act 1989* in respect of the land,
- (b) whether the annual returns in respect of the land required to be lodged under the Act or the *Rural Lands Protection Act 1989* in the current and previous year have been lodged with the board,
- (c) whether or not any rates or charges are owing in respect of the land,
- (d) whether or not any orders issued in respect of the land under the *Stock Diseases Act 1923* or the *Stock (Chemical Residues) Act 1975* are in force and, if any order is in force, details of the order.

(2) For the purposes of section 236 (2) of the Act, the prescribed fee is as follows:

- (a) for an application referred to in subclause (1) (a), (b) or (c), or two or more of those paragraphs, made on or before 31 December 2001—\$25,
- (b) for an application referred to in subclause (1) (a), (b) or (c), or two or more of those paragraphs, made on or after 1 January 2002—\$35,
- (c) for an application referred to in subclause (1) (d) made on or before 31 December 2001—\$45,
- (d) for an application referred to in subclause (1) (d) made on or after 1 January 2002—\$30.

66 Filling of casual vacancy in office of member or director

- (1) If a vacancy in the office of a member of the State Council referred to in clause 3 (1) of Schedule 7 to the Act occurs before the first election of members of the State Council as referred to in clause 3 (2) of that Schedule, the Minister may appoint a person who would be qualified to be a member to fill the office until that election.
- (2) If a vacancy in the office of a director of a rural lands protection board referred to in clause 6 of Schedule 7 to the Act occurs before the general election of directors required to be held under clause 6 of Schedule 2 to the Act to enable directors to take office on 1 October 2001, the Minister may appoint a person who would be qualified as a director to fill the office until that date.

67 Existing stock warning signs

Any stock warning sign displayed for the purposes of this Regulation that, if displayed (or if it had been displayed) immediately before the repeal of the *Rural Lands Protection Regulation 1995*, complied (or would have complied) with that Regulation is taken to be a stock warning sign approved by the roads authority, or person authorised by the roads

authority, for the purposes of this Regulation.

68 Writing off of charges

- (1) A board may waive payment of, and write off, the whole or any part of any charge payable to it under the Act or the regulations:
 - (a) if the charge does not exceed \$1000, or
 - (b) if the charge exceeds \$1000—with the approval of the State Council.
- (2) Action under this clause may be taken in a particular case or class of cases.

69 Certificate relating to animal

- (1) An authorised officer may sign a certificate stating that an animal to which the certificate relates is an animal of the kind specified in the certificate.
- (2) In any proceedings for an offence under this Regulation, a certificate purporting to be signed by an authorised officer stating that an animal to which the proceedings relate is an animal of the kind specified in the certificate is admissible in those proceedings as evidence that the animal is of that kind.

70 Half-yearly inspection of board's accounting records

- (1) For the purposes of section 55J (1) (b) of the Act, the prescribed periods are after the first 6 months of each financial year.
- (2) A board must:
 - (a) ensure that, within 1 month after the first 6 months of each financial year, the board's ledgers are balanced and a list of ledger balances is prepared so as to enable the board's auditor to conduct a six-monthly inspection of the board's accounting records, and
 - (b) as soon as practicable afterwards, notify the board's auditor that those records are available for inspection.

Schedule 1 Forms

(Clause 3 (3))

Form 1 Statutory declaration

(Rural Lands Protection (General) Regulation 2001)

(Sch 2, cl 10)

I, of,
do solemnly and sincerely declare that:
1 My full name is

2 My residential address is
.....

Postcode

3 My date of birth is

4 I am self-employed*/employed by*
as
(specify nature of employment)

5 I hold the following qualifications (academic/trade/professional):
.....
.....

6 I am a member of the following organisations:
.....
.....

7 I hold the following offices (other than employment):
.....
.....

8
.....

(See Note)

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at this day of

Before me:

Justice of the Peace

.....(signature)

Note—

A candidate may include further information relating to the candidacy. The information should not exceed 250 words in length.

* Delete whichever is inapplicable.

Form 2 Ballot-paper for election of members of State Council

(Sch 2, cl 16 (4))

.....
(insert name of region)

Election of
(insert number of representatives of region to be elected)

Held on
(insert election day)

Candidates

VALADON, Susan

- | | |
|------------------------------|--------------------------|
| BROWN, Denise | <input type="checkbox"/> |
| SMITH, John
(Tenterfield) | <input type="checkbox"/> |
| SMITH, John
(Blackacre) | <input type="checkbox"/> |
| DAVIS, Ron | <input type="checkbox"/> |

(The following directions are to appear on the front or the back of the ballot-paper. If the directions appear on the back of the ballot-paper, an appropriate reference to their appearance on the back must be made on the front of the ballot-paper).

Directions for voting

(here insert the following direction if only one candidate is to be elected)

- 1 In marking your vote on this ballot-paper, you must place the number "1" in the square opposite the name of the candidate to whom you desire to give your first preference vote. If you wish to vote for additional candidates, place consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

(here insert the following directions if 2 candidates are to be elected)

- 1 In marking your vote on this ballot-paper you must place the numbers "1" or "2" in the squares opposite the names of 2 candidates in the order of your preferences for them. If you wish to vote for additional candidates, place consecutive numbers beginning with the number "3" in the squares opposite the names of those additional candidates in the order of your preferences for them.
- 2 After marking the ballot-paper according to paragraph 1 of these directions, you must:
 - (a) place the completed ballot-paper in an inner envelope and seal the inner envelope, and
 - (b) place the inner envelope in an outer envelope, and
 - (c) write legibly your full name and address on, and sign, the back of the outer envelope, and
 - (d) return the outer envelope to the returning officer before the close of the ballot.

(here insert the following direction if the State Council election is an election other than a special election)

- 2 After marking the ballot-paper according to paragraph 1 of these directions, you must fold it so that the vote cannot be seen, show the folded ballot-paper to the returning officer and then place it in the ballot-box.

(here insert the following direction if the State Council election is a special election)

- 2 After marking the ballot-paper according to paragraph 1 of these directions, you must:
 - (a) place the completed ballot-paper in an inner envelope and seal the inner envelope, and
 - (b) place the inner envelope in an outer envelope, and
 - (c) write legibly your full name and address on, and sign, the back of the outer envelope, and
 - (d) return the outer envelope to the returning officer before the close of the ballot.

Electors voting at an election meeting please note: You must not take a ballot-paper out of the election meeting

Form 3 Ballot-paper for election of directors

(Sch 2, cl 16 (5))

.....

(insert name of district)

Election of

(insert number of directors to be elected)

Held on

(insert election day)

Candidates

- VALADON, Susan
- BROWN, Denise
- SMITH, John
(Tenterfield)
- SMITH, John
(Blackacre)
- DAVIS, Ron

(The following directions are to appear on the front or the back of the ballot-paper. If the directions appear on the back of the ballot-paper, an appropriate reference to their appearance on the back must be made on the front of the ballot-paper)

Directions for voting

(here insert the following direction if only one candidate is to be elected)

- 1 In marking your vote on this ballot-paper, you must place a clearly legible tick or cross in the square opposite the name of the candidate to whom you desire to give your vote.

(here insert the following direction if 2 candidates are to be elected)

- 1 In marking your vote on this ballot-paper you must place a clearly legible tick or a cross in the squares opposite the names of 2 candidates.

Schedule 2 Elections

(Clause 5)

Part 1 Preliminary

1 Definitions

In this Schedule:

candidate means:

- (a) in relation to a State Council election—a candidate for election as a member of State Council, and
- (b) in relation to a directors election—a candidate for election as a director.

close of the ballot for an election means the final date and time fixed by the returning officer for the close of the ballot for the election.

close of nominations for an election means the final time and date fixed under clause 4

for the close of nominations for the election.

convening board means the board referred to in clause 3 (3).

directors election means election (including a special election) of a person to hold office as a director of a board.

election means:

- (a) a State Council election, or
- (b) a directors election.

election meeting, in relation to a State Council election, means a meeting of regional boards called for the purposes of a contested election (whether or not it is also called for any other purpose).

general State Council election means a State Council election other than a special election.

nomination day for a State Council election means the day for close of nominations for an election meeting.

regional boards of a region means the boards for the districts comprising land within the region.

returning officer means:

- (a) for a State Council election—the Chief Executive Officer, or another person approved by the Chief Executive Officer (other than a candidate in the election) to be the returning officer, or
- (b) for a directors election for a board—the person determined to be the returning officer for the board in accordance with guidelines given by the State Council.

roll for an election means:

- (a) in the case of a State Council election—a list of the names and addresses of the directors of the regional boards for the region, and
- (b) in the case of a directors election—the roll referred to in clause 10 of Schedule 2 to the Act.

special election means an election referred to in clause 7 of Schedule 1 to the Act.

special State Council election means a special election of a person to represent a region as a member of the State Council.

State Council election means an election of a person to represent a region as a member of the State Council.

2 Functions of returning officer

- (1) The returning officer is to conduct elections.
- (2) For the purposes of conducting an election, the returning officer may determine any matter not provided for by the Act or this Regulation.
- (3) The returning officer may delegate any of his or her functions under this Part (other than this power of delegation) to any other person other than a candidate in an election.

Part 2 Calling of elections

3 When is a general State Council election to be called?

- (1) The directors of the regional boards of a region are to elect, in accordance with this Regulation, one (or, in the case of any region comprising land within the Western Division, 2), of the directors nominated as candidates for election to represent the region.
- (2) The election is to take place at an election meeting called as soon as practicable after a general election.
- (3) The election meeting is to be convened by one of the regional boards of the region chosen by those boards (the **convening board**).

Note—

Clause 6 of Schedule 2 to the Act determines when directors elections are to be called. Clause 7 of Schedule 1 to the Act determines when special elections are to be called.

4 Notice of State Council and directors elections

- (1) As soon as practicable after it has been determined in accordance with the Act or this Regulation that an election is required to be held for a region or a board, notice of that fact is to be given to the returning officer:
 - (a) for a State Council election—by the convening board, and
 - (b) for a directors election—by the State Council.
- (2) The notice is to specify the date on which the ballot for the election is to be held and is to be given to the returning officer at least 80 days before that date.
- (3) **State Council election** The returning officer must give notice that a State Council election is to be held by notice in writing given to each regional board concerned.
- (4) **Directors election** The returning officer must give notice that a directors election is to be held by one or more of the following means:

- (a) display of a notice in a prominent place in the office of the board concerned or on a community notice board at a public place within the district,
 - (b) causing notice to be published:
 - (i) in at least one newspaper circulating generally throughout New South Wales, or
 - (ii) in one or more local newspapers that, individually or collectively, circulate generally throughout the area of the board concerned,
 - (c) giving written notice to each person entitled to vote at the election.
- (5) Notice under subclause (3) or (4) must:
- (a) state that the election concerned is to be held and specify the region, district or division involved, and
 - (b) state the number of persons to be elected, and
 - (c) call for nominations of candidates, and
 - (d) state the time and date fixed by the returning officer for the close of nominations, and
 - (e) state where nomination forms may be obtained and where nominations may be lodged, and
 - (f) in the case of a directors election—state the date and time fixed for the close of enrolments for the election, and
 - (g) in the case of a general State Council election—state the date and time on which, and place at which, the election meeting is to be held, and
 - (h) in the case of a directors election or a special State Council election—state the date and time fixed for the close of the ballot.
- (6) The close of nominations:
- (a) for a general State Council election—must not be less than 40 days before the election meeting, and
 - (b) for a directors election or a special State Council election—must not be less than 40 days before the close of the ballot.
- (7) In this clause:
- close of enrolments** for a directors election means the date (being a date not less than 20 days before the close of the ballot for the election) and time fixed by the returning officer by which people must be included in the roll for the election.

- (8) The amendment made to subclause (6) by the *Rural Lands Protection (General) Amendment (State Council Elections) Regulation 2007* extends to and in respect of the general State Council election pending as at the commencement of that Regulation (including any notice issued in relation to that election).

Part 3 Nominations for State Council and directors elections

5 Eligibility for nomination

- (1) **State Council election** Any director of a regional board for a region is eligible for nomination as a candidate for a State Council election.
- (2) **Directors election** Any person qualified for election as a director is eligible for nomination as a candidate for a directors election.

Note—

Clause 4 of Schedule 2 to the Act sets out the persons who are qualified for election as a director.

6 Nomination of candidates

- (1) **State council election** Any director of a regional board for a region may nominate any director of a board for a district comprising land within the region as a candidate for a State Council election to represent the region.
- (2) **Directors election** Any occupier of rateable land in a district, or, if the district is divided into divisions, any occupier of land in the division, may nominate a person as a candidate for a directors election for that district or division.
- (3) A nomination of a candidate:
- (a) must:
 - (i) in the case of a State Council election—be in writing, and
 - (ii) in the case of a directors election—be in the form approved by the board concerned, and
 - (b) must contain a statement, signed by the candidate, stating that the candidate consents to the nomination, and
 - (c) must be lodged with the returning officer before the close of nominations.
- (4) Each candidate must be nominated on a separate nomination paper.
- (5) On receipt of the nomination, the returning officer must endorse on it the date and time of receipt.

7 Withdrawal of nomination proposals

- (1) A candidate who has been nominated in an election may withdraw the nomination.
- (2) A withdrawal of nomination must:
 - (a) be in writing, and
 - (b) contain a statement, signed by the candidate, stating that the candidate withdraws the nomination, and
 - (c) be lodged with the returning officer before the close of nominations.

Note—

Clause 40 of this Schedule makes provision for circumstances in which a candidate dies after close of nominations and before close of the ballot.

8 Uncontested elections

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to be elected.

9 Contested elections

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

10 Candidate information sheets

- (1) At any time before the close of nominations, a candidate may submit to the returning officer a statutory declaration, in or to the effect of Form 1, containing information intended for inclusion in a candidate information sheet.
- (2) If a ballot is to be held, the returning officer must compile a candidate information sheet consisting of the information submitted by the candidate.
- (3) In compiling a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information submitted by the candidate:
 - (a) as the returning officer considers to be false or misleading, or
 - (b) as the returning officer considers to be inappropriate for inclusion in the candidate information sheet, or
 - (c) as exceeds 250 words.
- (4) If a candidate does not submit any information, the returning officer may, in compiling the candidate information sheet, include in respect of the candidate the words “NO

INFORMATION RECEIVED”.

- (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.

Part 4 Electoral roll

11 Electoral roll—directors elections

As soon as practicable after it becomes apparent to the returning officer that a ballot must be held for a directors election for a board, the returning officer must notify the board:

- (a) that a ballot is to be held for the election, and
- (b) that an electoral roll for the election is required.

Note—

Part 4 of Schedule 2 to the Act provides for the keeping of rolls.

Part 5 The ballot

12 State Council elections

- (1) A general State Council election that is a contested election is to be determined by ballot at an election meeting.
- (2) A special State Council election is to be determined by ballot by post.
- (3) The voting system in a contested State Council election is to be optional preferential.
- (4) A candidate nominated for election is, without a ballot being held, taken to be elected:
 - (a) in the case of a general State Council election—on the day of the election meeting, or
 - (b) in the case of a special State Council election—on the day of the close of the ballot,if he or she is the only nominee for election or, in the case of an election for 2 representatives, they are the only 2 nominees for election.
- (5) If no, or, in the case of an election for 2 representatives less than 2, persons are nominated for election, the Minister may appoint:
 - (a) in the case of an election for one representative—a person to represent the region, or
 - (b) in the case of an election for 2 representatives—one person to represent the region for each representative for which there is no nomination.

- (6) A person so appointed is to be taken to be elected:
 - (a) in the case of a general State Council election—on the day on which the election meeting was to be held, and
 - (b) in the case of a special State Council election—on the day fixed for close of the ballot for the election.

13 Directors election

- (1) A directors election that is a contested election is to be determined by ballot by post.
- (2) The voting system in a contested directors election is to be the “first past the post” method, that is, the candidate or candidates with the most votes is or are taken to be elected. If the number of candidates to be elected cannot be determined because of an equality of votes, the candidate taken to be elected is the candidate whose name is drawn from a lot containing the names of each of the candidates having equal votes.
- (3) A candidate nominated for election is, without a ballot being held, taken to be elected if the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected.

14 Voting entitlements—State Council elections

- (1) Each regional board of a region is entitled to vote at a contested State Council election for the region.
- (2) The vote of the board at a State Council election other than a special election is to be exercised at the election meeting by a duly appointed proxy of the board.
- (3) The proxy is to exercise the board’s vote in the way resolved by the board.
- (4) A duly appointed proxy of a regional board for a region is a director of the board nominated by the board and appointed by an instrument in writing:
 - (a) signed by the person presiding at that meeting, and
 - (b) specifying how the board wishes the proxy to vote, and
 - (c) given to the returning officer for the election before the poll for the election is taken at the election meeting.
- (5) The vote of the board at a special election is to be exercised by post on behalf of the board by the Chairperson of the board or the Chairperson’s nominee.

15 Position on ballot-paper—State Council and directors elections

- (1) The order of candidates’ names on ballot-papers for a State Council election or directors election that is a contested election is to be determined by a ballot held by

the returning officer.

- (2) The ballot is to be conducted by the returning officer in the presence of at least 2 persons who are not candidates for election.
- (3) The ballot is to be conducted in the following manner:
 - (a) the returning officer must, at the place of nomination and before all persons present, make out in respect of each candidate a slip bearing the name under which the candidate has been nominated,
 - (b) the returning officer must then enclose the slips in separate identical containers, securely seal each container and deposit all the containers in a securely fastened ballot-box,
 - (c) the returning officer must then shake and rotate the ballot-box and, on request, permit any other person present to do the same,
 - (d) the returning officer must then unfasten the ballot-box and take out and open each container one by one,
 - (e) the returning officer must then announce to the persons present, and record, the name of the candidate whose name appears on the slip enclosed in the container first taken from the ballot-box and, in consecutive order, the name of the candidates whose names appear on the slip enclosed in the container next taken from the ballot-box and so on until the placing of all names has been determined,
 - (f) the returning officer must sign the record and allow any of the persons present to do the same.
- (4) Each candidate or an agent of the candidate is entitled to be present at a ballot in accordance with this clause.
- (5) In this clause:

place of nomination means:

 - (a) for a State Council election—the offices of the State Council or such other place as is determined by the returning officer, and
 - (b) for a directors election—the place determined by the returning officer.

16 Form of ballot-papers—State Council and directors elections

- (1) The returning officer is to have ballot-papers printed for the election.
- (2) The names of the candidates are to be printed in one column (starting at the top) in the order determined as referred to in clause 15.

- (3) The ballot-papers must show as the names of the candidates the names under which they were nominated. The names may be accompanied by descriptions or additions to distinguish them from each other in any case where a similarity in the names of 2 or more candidates is, in the opinion of the returning officer, likely to cause confusion.
- (4) The ballot-papers for a State Council election are to be in or to the effect of Form 2.
- (5) The ballot-papers for a directors election are to be in or to the effect of Form 3.

17 Supply of ballot

- (1) The returning officer is to provide sufficient ballot-papers for each person entitled to vote (whether in person or by proxy) in an election.
- (2) **General State Council election** Each elector present at a general State Council election is to be given:
 - (a) one ballot-paper on which to record his or her vote and one ballot-paper for the proxy he or she holds, and
 - (b) an unsealed envelope addressed to the returning officer and bearing on the back the words "name of board concerned", "full name and address of elector in legible writing" and "signature of elector", together with appropriate spaces for the insertion of the name of the board, name of the elector, address and signature.
- (3) **Directors and special State Council elections** Each elector entitled to vote at a directors election or special State Council election is to be sent:
 - (a) one ballot-paper on which to record his or her vote, and
 - (b) an unsealed envelope addressed to the returning officer and bearing on the back the words "full name and address of elector in legible writing" and "signature of elector", together with appropriate spaces for the insertion of a name, address and signature and, if relevant, the division of the district for which the director is to be elected.
- (4) The returning officer is to make an appropriate notation on the roll to show that the elector has received or been sent the ballot-paper or ballot-papers.

18 Ballot-paper

A ballot-paper is to be initialled on the back by the returning officer (or by a person authorised by the returning officer) before the returning officer gives or sends it to an elector. The initials are to be placed so as to be easily seen when the ballot-paper is folded to conceal the elector's marks. The initials may be written or stamped.

19 Duplicate ballot-papers

- (1) If an elector satisfies the returning officer that he or she has spoilt by reason of

accident or mistake any ballot-paper handed or sent to him or her, the returning officer may, on receipt of the spoilt ballot-paper:

- (a) hand or send to the elector a new ballot-paper, and
- (b) cancel and preserve the spoilt paper.

- (2) If an elector satisfies the returning officer that he or she has not received a ballot-paper sent to him or her, the returning officer may hand or send to the elector a new ballot-paper.
- (3) The returning officer is to maintain a record of all duplicate ballot-papers issued under this clause.

20 Recording of votes—directors elections and special State Council elections

In order to vote in a directors election or special State Council election, a person must:

- (a) for each vote to which the person is entitled:
 - (i) record a vote on the ballot-paper in accordance with the directions shown on it, and
 - (ii) place the completed ballot-paper in an inner envelope, and
 - (iii) seal the inner envelope, and
- (b) place each inner envelope in the outer envelope, and
- (c) write legibly the person's full name and address on, and sign, the back of the outer envelope, and
- (d) return the outer envelope to the returning officer before the close of the ballot.

Part 6 The scrutiny

21 Ascertaining result of ballot

- (1) **General State Council election** The result of a ballot for a general State Council election is to be ascertained by the returning officer at the election meeting at which it is held as soon as practicable after the close of the ballot.
- (2) **Directors and special State Council elections** The result of a ballot for a directors election or special State Council election is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

22 Scrutineers

- (1) At least one scrutineer, whether nominated by the candidate or otherwise, is to be present during the ballot for an election.

- (2) **General State Council election** The scrutineers at a general State Council election are to be directors present at the election meeting who volunteer to be scrutineers or persons appointed by the returning officer.
- (3) **Directors elections and special State Council elections** Each candidate at a directors election or a special State Council election may nominate one person to be a scrutineer at the election.
- (4) A candidate for election may not act as a scrutineer.

23 Questions put to elector at general State Council elections

- (1) A person claiming an entitlement to vote as a proxy of the board at a general State Council election must state to the returning officer the name under which he or she claims to vote and the board for whom he or she is a proxy, and such other particulars as the returning officer requires for the purposes of checking the name or names on the roll.
- (2) The returning officer must check that the name or names given by the person are on the roll before giving the person any ballot-paper.

24 Voting—general State Council elections

After receiving a ballot-paper for a general State Council election, an elector is to:

- (a) go alone to an unoccupied space set aside for voting, and privately record his or her proxy vote on the ballot-paper, and
- (b) fold the paper so as to conceal the vote marked on it, but to clearly show the initials on the back, and place the ballot-paper still folded in the ballot-box.

25 Elector whose name is not on the roll—general State Council elections

- (1) A director of a regional board whose name as a proxy of a board is not on the roll for a general State Council election but who claims an entitlement to vote as a proxy in the election may make a declaration in writing to the returning officer stating the ground on which the director claims to be entitled to vote.
- (2) The returning officer must examine the declaration before giving the elector a ballot-paper and, if necessary, make enquiries to determine whether the declaration is in order and the elector is entitled to vote.
- (3) If the declaration is not in order or it appears to the returning officer that the elector is not entitled to vote, the returning officer must not give the elector a ballot-paper.
- (4) If the declaration is in order and it appears to the returning officer that the elector is entitled to vote, the returning officer must give the elector a ballot-paper.
- (5) After receiving the ballot-paper the elector is to:

- (a) go alone to an unoccupied space set aside for voting at the polling place, and privately record his or her vote on the ballot-paper, and
- (b) fold the paper so as to conceal the vote marked on it, but to clearly show the initials on the back, and place the ballot-paper still folded in the ballot-box.

26 Informal ballot-papers

- (1) A ballot-paper of an elector at an election is informal if:
 - (a) the elector has failed to record a vote on it in the manner directed on it, or
 - (b) it has not been initialled on the back by the returning officer, or
 - (c) it contains a mark or writing which, in the returning officer's opinion, would enable the elector to be identified.
- (2) Despite subclause (1), a ballot-paper of an elector at an election in which only one candidate is to be elected is not informal merely because a tick or a cross has been placed in one square and the other square or squares has been left blank. In such a case, the tick or cross is to be treated:
 - (a) in the case of a State Council election—as a first preference, or
 - (b) in the case of a director's election—as a vote for only one candidate.
- (3) Despite subclause (1), a ballot-paper of an elector at a State Council election is not informal merely because a preference (other than a first preference) has been repeated or omitted so long as the ballot-paper shows the minimum number of preferences required by the directions.
- (4) Despite subclause (1), a ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.

27 Initial scrutiny and count

- (1) On the close of the ballot for an election the returning officer must, in the presence of any scrutineers who are present, open the ballot-box and have the ballot-papers scrutinised in his or her presence and must reject the informal ballot-papers.
- (2) **State Council election** After the scrutiny at a State Council election, the returning officer must:
 - (a) count the first preferences recorded for each candidate and the informal votes, and
 - (b) ascertain the vote in accordance with clause 12 (3), and

(c) inform the persons present of the result of the count.

(3) **Directors election** After the scrutiny at a directors election, the returning officer must:

(a) count the votes recorded for each candidate and the informal votes, and

(b) ascertain the results of the count in accordance with clause 13 (2), and

(c) inform the persons present of the result of the count.

28 Recount

(1) **General State Council election** Any candidate present at a general State Council election when the returning officer informs the persons present of the result of the count may request a recount of the ballot-papers.

(2) **Directors election or special State Council election** Any candidate present when the returning officer declares the result of the count at a directors election or special State Council election may request a recount of the ballot-papers.

(3) If such a request is made, the returning officer must again have the papers scrutinised and counted and is to inform the persons present of the results of the recount.

29 Declaring the election

(1) **General State Council election** After counting the votes in a general State Council election at the election meeting, the returning officer is to advise the Chief Executive Officer (if he or she is present at the election meeting) or some other person present nominated by the Chief Executive Officer of the results of the count. The Chief Executive Officer or nominated person is to declare the name or names of the candidates elected to the persons present at the election meeting.

(2) **Special State Council election** As soon as practicable after counting the votes in a special State Council election, a returning officer (other than a returning officer who is the Chief Executive Officer) is to notify the Chief Executive Officer, in writing, of the candidate or candidates elected.

(3) **Directors election** As soon as practicable after counting the votes in a directors election, the returning officer is to notify the authorised officer for the board concerned, in writing, of the candidate or candidates elected.

(4) The authorised officer is to cause notice of the candidate or candidates elected in the directors election to be published in:

(a) at least one newspaper circulating generally throughout New South Wales, or

(b) one or more local newspapers that, individually or collectively, circulate generally throughout the area of the board concerned.

Part 7 Offences

30 Misconduct in voting

A person must not:

- (a) vote, or attempt to vote, more times than a person's voting entitlement allows in an election, or
- (b) vote, or attempt to vote, in any election in which the person is not entitled to vote, or
- (c) make a false or misleading statement:
 - (i) to the returning officer in connection with any election, or
 - (ii) in any document that the person furnishes for the purposes of any election.

Maximum penalty: 10 penalty units.

31 Obstruction of electoral officials

A person must not abuse, hinder or obstruct the returning officer or a scrutineer in the exercise of his or her functions.

Maximum penalty: 10 penalty units.

32 Misconduct by scrutineers

(1) A scrutineer must not:

- (a) interfere with or influence an elector in an election, or
- (b) at the counting of a ballot, communicate with any person except as necessary to carry out the scrutineer's functions.

(2) A scrutineer must obey the lawful directions of the returning officer.

Maximum penalty: 10 penalty units.

33 Breach of secrecy

The returning officer or a scrutineer who knows how a particular elector has voted must not disclose that knowledge.

Maximum penalty: 10 penalty units.

34 Stuffing ballot-boxes

- (1) A person must not place in a ballot-box a ballot-paper that the person knows has not been lawfully issued to an elector.
- (2) An elector must not place in the ballot-box a paper or other thing other than the

ballot-paper and envelope issued to him or her.

Maximum penalty: 10 penalty units.

35 Bribery

A person must not, in relation to an election, or an elector at such an election, do any of the things set out in section 147 of the *Parliamentary Electorates and Elections Act 1912*.

Maximum penalty: 10 penalty units.

36 Treating

A candidate at an election under this Part must not, in relation to the election, do any of the things set out in section 149 of the *Parliamentary Electorates and Elections Act 1912*.

Maximum penalty: 10 penalty units.

37 Intimidation

A person must not, in relation to an election, or an elector at such an election, do any of the things set out in section 151 of the *Parliamentary Electorates and Elections Act 1912*.

Maximum penalty: 10 penalty units.

Part 8 Miscellaneous

38 Delayed general State Council election

- (1) If the Minister is of the opinion that it would be impractical or inconvenient to hold any election meeting, the Minister may, by notice in writing given to the returning officer concerned, appoint a later day for the holding of the meeting.
- (2) If a later date is appointed under this clause:
 - (a) the retiring members continue in office until that day, and
 - (b) clause 4 (3) of this Schedule applies as if the date appointed by the Minister were the original date notified to the returning officer for the holding of the election meeting.

39 Decisions of returning officer final

If the returning officer is permitted or required by this Regulation to make a decision on any matter relating to the taking of a ballot in any election, the decision of the returning officer on that matter is final.

40 Death of candidate

If a candidate dies after the close of nominations and before the close of the ballot in an election:

- (a) the returning officer is to cause notice of the death to be published in one or more local newspapers that, individually or collectively, circulate generally throughout the region, district or division concerned, and
- (b) all proceedings after the returning officer was notified that an election was required to be held are of no effect and must be undertaken again.

41 Security of election materials

- (1) After the results of an election are declared, the returning officer is to parcel the marked and any unmarked ballot-papers, the roll and other papers or envelopes used in the election.
- (2) The returning officer is to seal, endorse and sign each parcel, and to allow any scrutineers entitled to be present to watch the returning officer carry out those actions and countersign the parcel.
- (3) The returning officer is to have the parcels kept securely for 12 months after the election, and then destroyed.
- (4) If a court so directs, or any legislation so requires or permits, the returning officer is to allow any person to inspect any of the election materials, except the sealed parcels of marked ballot-papers.

42 Term of office of representatives

- (1) A person elected (or taken to be elected) under this Part as a representative of a region takes office on the day on which he or she is elected.
- (2) The representative holds office for the period of 4 years after taking office or until he or she ceases to hold office as a director (whichever first occurs), but is eligible (if otherwise qualified) for re-election at the end of his or her term of office.

43 Transitional—directors election held before 1 January 2003

- (1) This clause applies in respect of a directors election held before 1 January 2003.
- (2) The notice required to be given by the State Council under clause 4 (1) of this Schedule in respect of an election to which this clause applies:
 - (a) is to specify the date on which the ballot for the election is to be held, and
 - (b) is to be given to the returning officer at least 30 days before that date.
- (3) The close of nominations for the election must not be less than 20 days before the close of the ballot for the election.
- (4) Clause 4 (2) and (6) of this Schedule do not apply to an election to which this clause applies.

Schedule 3 Counting of votes under optional preferential system

(Clause 5)

1 General

This Schedule sets out the method of counting votes according to the optional preferential system. The counting is to be carried out by the returning officer.

2 Definitions

In this Schedule:

absolute majority of votes means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers.

continuing candidate means a candidate not already elected or excluded from the count.

exhausted ballot-paper means a ballot-paper on which there is no indication of a next preference for a continuing candidate.

next preference means the first of the subsequent preferences marked on a ballot-paper which is not given to an elected or excluded candidate. However, if there is a repetition or omission in the consecutive numbering of preferences marked on a ballot-paper (other than a repetition or omission that makes the ballot-paper informal), only those preferences preceding the repetition or omission can be taken into account.

3 One candidate to be elected

If only one candidate is to be elected, the votes are to be counted and the result of the election ascertained in accordance with the following procedures:

- (a) The unrejected ballot-papers are arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate.
- (b) The total number of first preferences given for each candidate on such ballot-papers are then counted.
- (c) The candidate who has received the largest number of first preference votes is elected if that number constitutes an absolute majority of votes.
- (d) If no candidate has received an absolute majority of first votes, a second count is made.
- (e) On the second count, the candidate who has received the fewest first preference votes is excluded, and the unexhausted ballot-papers counted to him or her are counted to the candidate next in the order of the elector's preference.

- (f) If a candidate then has an absolute majority of votes, he or she is elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his or her unexhausted ballot-papers to the continuing candidate next in the order of the elector's preference is repeated until one candidate has received an absolute majority of votes.
- (g) The candidate who has received an absolute majority of votes is elected.

4 Two candidates to be elected

If 2 candidates are to be elected, the votes are to be counted and the result of the election ascertained in accordance with the following procedures:

- (a) One of the candidates is elected in accordance with clause 3 of this Schedule.
- (b) All the unrejected ballot-papers are rearranged under the names of the respective candidates in accordance with the first preferences marked on the ballot-papers, except that each ballot-paper on which a first preference for the elected candidate is indicated is placed in the parcel of the candidate next in the order of the elector's preference.
- (c) The number of ballot-papers in the parcel of each candidate is counted and the total number of votes counted to each candidate is ascertained.
- (d) If a candidate then has an absolute majority of votes he or she is elected. If not, the count proceeds according to clause 3 (d), (e) and (f) of this Schedule, until one candidate has received an absolute majority of votes.
- (e) Clause 3 (d) and (e) of this Schedule is to be read for the purposes of this clause as if a reference in those paragraphs to first preference votes were a reference to all the votes counted to a candidate under this clause.

5 Exhausted ballot-papers

In the process of counting under clause 3 or 4 of this Schedule, exhausted ballot-papers are set aside as finally dealt with and are not taken into account in the election of a candidate under the appropriate clause.

6 Equality

- (1) If, on any count at which the candidate with the fewest number of votes has to be excluded, 2 or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates), the candidate whose name is on a slip drawn is accordance with subclause (2) is excluded.
- (2) The returning officer writes the names of the candidates who have an equal number of votes on similar slips of paper. The returning officer then folds the slips so as to

prevent the names being seen, mixes them, and draws one slip at random.

7 End of counting

The process of counting each of the unexhausted ballot-papers of an excluded candidate to the continuing candidate next in the order of the elector's preference is not repeated if there is only one continuing candidate. Instead, the continuing candidate is elected.

Schedule 4 Minimum areas of rateable land

(Clause 6 (1))

Column 1	Column 2
District	Area in hectares
Armidale	10
Balranald-Wentworth	40
Bombala	10
Bourke	25
Braidwood	4
Brewarrina	50
Broken Hill	400
Casino	6
Central Tablelands	4
Cobar	400
Condobolin	10
Cooma	4
Coonabarabran	10
Coonamble	10
Dubbo	10
Forbes	10
Gloucester	6
Goulburn	10
Grafton	6
Gundagai	10
Hay	10
Hillston	40

Hume	8
Hunter	10
Kempsey	4
Maitland	10
Milparinka	400
Molong	10
Moree	10
Moss Vale	10
Mudgee-Merriwa	4
Murray	20
Narrabri	10
Narrandera	10
Northern New England	10
Northern Slopes	10
Nyngan	10
Riverina	10
South Coast	5
Tamworth	10
Tweed-Lismore	4
Wagga Wagga	10
Walgett	40
Wanaaring	400
Wilcannia	200
Yass	4
Young	10

Schedule 5 Minimum general and animal health rates

(Clause 8)

	Column 1	Column 2
Board	Minimum general rate (\$)	Minimum animal health rate (\$)
Armidale	34.45	22.15

Balranald-Wentworth	11.15	5.90
Bombala	47.30	28.35
Bourke	29.00	29.00
Braidwood	54.35	48.80
Brewarrina	30.20	12.05
Broken Hill	20.00	2.20
Casino	35.95	28.30
Central Tablelands	51.55	32.70
Cobar	0.00	0.00
Condobolin	25.95	19.40
Cooma	74.35	29.75
Coonabarabran	35.05	23.35
Coonamble	23.55	8.25
Dubbo	36.30	15.10
Forbes	42.00	38.00
Gloucester	39.70	24.35
Goulburn	56.45	36.55
Grafton	41.85	28.60
Gundagai	33.40	22.45
Hay	13.50	13.50
Hillston	33.26	11.07
Hume	43.00	30.75
Hunter	46.75	26.40
Kempsey	47.15	34.35
Maitland	40.15	17.40
Milparinka	0.00	0.00
Molong	36.00	20.90
Moree	42.45	21.25
Moss Vale	52.25	32.35
Mudgee-Merriwa	47.00	23.50
Murray	11.45	4.60

Narrabri	47.85	34.05
Narrandera	33.45	13.40
Northern New England	38.75	23.50
Northern Slopes	49.70	28.65
Nyngan	31.05	23.65
Riverina	29.00	17.40
South Coast	73.60	22.45
Tamworth	46.80	13.00
Tweed-Lismore	40.00	30.00
Wagga Wagga	35.10	39.35
Walgett	17.00	8.00
Wanaaring	0.00	0.00
Wilcannia	33.75	22.30
Yass	43.50	43.50
Young	32.20	32.20

Schedule 6 Penalty notice offences

(Clause 56)

Part 1 Prescribed offences under the Act

Column 1	Column 2
Section	Penalty (\$)
76 (1)	500
81 (1)	200
82 (1)	150
82 (2)	150
82 (3)	150
83 (2)	200
95 (a) and (b)	300
95 (c)	300
96 (1)	300
106 (3)	200

107	200
126 (1) (a), (b) and (c)	150
126 (1) (d) and (e)	150
126 (3)	150
136 (1)	500
139 (1)	300
140	500
140C (1)	440
140C (2)	440
140C (3) (a)	440
140C (3) (b)	440
140D (1)	440
140D (2)	440
140C (3)	440
140E	440
140F (4)	1,100
140G (3) (a)	220
140G (3) (b)	220
155 (1)	200
155 (2)	200
155 (3)	150
167 (1)	500
167 (3)	300
170 (1) and (4)	500
176 (1)	200
176 (2)	500
177 (1)	500
178 (1)	200
178 (2)	200
178 (3)	500
179 (a) and (b)	500

198 (1) (a)	500
198 (1) (b)	1,000
198 (1) (c) and (d)	500
199	200
210 (1)	200
210 (2)	200
210 (4)	500
237 (2)	200

Part 2 Prescribed offences under this Regulation

Column 1	Column 2
Clause	Penalty (\$)
17 (3)	500
18 (1)	440
18 (3)	150
19	200
20 (2)	150
21 (2)	200
22	200
24 (2)	150
25	200
27 (1)	300
27 (2)	500
27 (3)	200
28 (2)	150
29	150
30	150 per carcass or 500 in any other case
34 (2)	150
47 (1)	200
47 (7)	150
47 (10)	300

53 (a)	150
53 (b)	150
60 (6)	500

Part 3 Prescribed offences under Schedule 2 to this Regulation

Column 1	Column 2
Clause	Penalty (\$)
30 (a) and (b)	200
30 (c)	200
31	300
32	200
33	150
34	150
35	500
36	500
37	500