

# Rural Crime Legislation Amendment Act 2017 No 62

[2017-62]



New South Wales

## Status Information

### Currency of version

Repealed version for 24 November 2017 to 15 September 2018 (accessed 18 December 2024 at 19:00)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Note**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 16.9.2018.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Rural Crime Legislation Amendment Act 2017 No 62



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# Rural Crime Legislation Amendment Act 2017 No 62



New South Wales

An Act to amend various Acts with respect to sentencing in cases where victims are geographically isolated, the ownership of feral goats, the mustering of stock, trespass and illegal hunting; and for other purposes.

## 1 Name of Act

This Act is the *Rural Crime Legislation Amendment Act 2017*.

## 2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1.5 commences on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of Acts

### 1.1-1.4

(Repealed)

### 1.5 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

#### Part 16B

Insert after Part 16A:

### Part 16B Entry onto land to muster stock

#### 210K Definitions

In this Part:

**stock** means any of the following:

- (a) camels, dromedaries, alpacas, llamas and vicunas,

- (b) cattle (that is, bulls, cows, oxen, heifers, steers, calves and buffalo),
- (c) deer,
- (d) goats (including bucks, does, wethers and kids),
- (e) horses (that is, horses, mares, geldings, colts, fillies, foals, hinnies, mules, donkeys and asses),
- (f) pigs (including boars, sows, barrows, piglets and suckers),
- (g) sheep (including rams, ewes, wethers and lambs).

**stock mustering order**—see section 210L.

### **210L Stock mustering orders**

- (1) The Local Court may, on application by the owner of stock or a police officer, make an order (a **stock mustering order**) that authorises a person named in the order to do one or more of the following:
  - (a) enter the land specified in the order, including the airspace above the land, to conduct, under the direction and supervision of a police officer, a muster of the stock identified in the order, so as to locate and remove the stock,
  - (b) search for and take possession of stock found at the land that matches the description of the stock identified in the order,
  - (c) draft, cut out, and take any other action necessary to identify and separate the stock from other stock, but only for the purposes of conducting the muster,
  - (d) bring onto the land specified in the order any agent, assistant, horse, dog, vehicle or equipment reasonably necessary for the search, or for the taking possession of stock, that is authorised by the order.
- (2) A stock mustering order is taken to also authorise any police officer to do either or both of the following:
  - (a) enter the land specified in the order, including the airspace above the land, to direct and supervise the muster of the stock identified in the order, so as to locate and remove the stock,
  - (b) bring onto the land any horse, dog, vehicle or equipment that is reasonably necessary for directing and supervising the muster.
- (3) The Local Court is to make a stock mustering order only if satisfied that:
  - (a) the owner of stock or police officer who applied for the order has reasonable

grounds for believing that the owner's stock is on land managed or controlled by another person, and

(b) either the person managing or controlling the land has unreasonably refused to permit the owner of stock or police officer who applied for the order to enter the land to search for, locate and remove the stock or it is impracticable for the owner of stock or the police officer to obtain such permission.

(4) A stock mustering order must state:

(a) the general grounds on which the order is made, and

(b) the period for which it applies.

(5) Part 4 of the *Local Court Act 2007* applies, subject to any modifications provided for by this Part or by the regulations, to proceedings for a stock mustering order under this Part, as if those provisions were application proceedings against the person managing or controlling the land in relation to which the order is sought.

**Note—**

Section 70 of the *Local Court Act 2007* provides for appeals in relation to matters dealt with under Part 4 of that Act.

**210M Application for stock mustering order**

(1) An application for a stock mustering order is to be made by issuing and filing an application notice in accordance with Part 4 of the *Local Court Act 2007*.

(2) An application for a stock mustering order must specify the grounds for the application, including any belief of the applicant, in the manner prescribed by the regulations.

(3) Despite section 49 of that Act, the application notice must be served:

(a) personally on the owner of, or person managing or controlling, the land to which the application relates, or

(b) if personal service cannot be effected promptly, by causing a copy of the application notice to be affixed to or near at least one of the entrances to the land.

(4) The application notice must also be served on the police officer in charge of the police station closest to the land to which the application relates, unless the application is made by a police officer.

(5) The Commissioner is a party to any application for a stock mustering order under this Part and the Commissioner or any police officer may be represented by a legal practitioner at any proceedings for such an order.

- (6) Despite subsection (1), section 51 of the *Local Court Act 2007* does not apply to an application for a stock mustering order.

### **210N Notice of order required in certain circumstances**

- (1) If the person managing or controlling the land to which a stock mustering order relates did not appear, or was not represented, before the Local Court on the making of the order, the owner of the relevant stock, or the police officer who applied for the order, is to cause a copy of the order to be served:
- (a) personally on the person managing or controlling the land named in the order, or
  - (b) if personal service cannot be effected promptly, by causing a copy of the order to be affixed to or near at least one of the entrances to the land.
- (2) If no police officer was a party to the proceedings for the stock mustering order, the owner of the relevant stock is to also cause a copy of the order to be served on the police officer in charge of the police station closest to the land to which the notice relates.

### **210O Entering land to enforce stock mustering order**

- (1) A person authorised by a stock mustering order to enter land may enter the land and do the things that the person is authorised to do by the stock mustering order.
- (2) Before land is first entered under the authority of a stock mustering order, the owner of the relevant stock, or the police officer who applied for the order, must cause a notice to be prepared that:
- (a) contains a summary of the stock mustering order, and
  - (b) specifies the intention of the person named in the order, or any police officer, to enter, or to authorise entry to, the land to act in accordance with the order on or from a date specified in the order (the **enforcement date**).
- (3) A copy of the notice must be served, not less than 7 days before the enforcement date:
- (a) personally on the owner of, or person managing or controlling, the land to which the application relates, or
  - (b) if personal service cannot be effected promptly, by causing a copy of the notice to be affixed to or near at least one of the entrances to the land.
- (4) A copy of the notice must also be served on the police officer in charge of the police station closest to the land to which the notice relates, not less than 7 days

before the enforcement date.

- (5) A stock mustering order does not authorise a police officer or any other person to enter any part of land that is used for residential purposes.

**210P Preventing, hindering or obstructing enforcement of stock mustering order**

A person who has knowledge of a stock mustering order must not:

- (a) do an act or make an omission with intent to frustrate action under the order, or  
(b) obstruct a person who is acting under the order.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

**1.6**

(Repealed)