

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the Rural Lands Protection Act 1998 (the Principal Act) in response to the following reviews:

- (a) the NSW Rural Lands Protection Board System Review by Integrated Marketing Communications Pty Ltd,
- (b) the Review of the Rural Lands Protection Boards Rating System by Mr Richard Bull,
- (c) the statutory five year review of the Principal Act completed in accordance with section 248 of that Act.

Specifically, the object of this Bill is to amend the Principal Act as follows:

(a) to make a number of changes to the structure of the rural lands protection system, including amendments with the following objects:

- (i) to rename rural lands protection boards and districts as livestock health and pest authorities (authorities) and districts,
- (ii) to provide that such authorities are, in general, to be governed by a board of directors (directors),

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(iii) to abolish the annual State Conference of Rural Lands Protection Boards and establish instead a State Policy Council of Livestock Health and Pest Authorities (the Policy Council),

(iv) to replace the State Council of Rural Lands Protection Boards with a State Management Council of Livestock Health and Pest Authorities (the State Council),

(v) to insert provisions dealing with the honesty, care, diligence and conduct of Policy Council and State Council members, and directors of boards of authorities (including provisions relating to a code of conduct for such persons),

(vi) to make various changes to the method of election of directors of boards of authorities, including instituting a process of automatic enrolment for those who are to vote in such elections,

(vii) to provide that, in general, persons holding office as a director will be limited to two 4 year terms,

(viii) to provide, in general, that half of the positions of elected directors for a board of an authority will be open for election every two years (rather than all positions being open every four years as is presently the case),

(b) to remove the concept of notional carrying capacity of land holdings from the calculation of rates to enable such rates in the future to be levied on a per hectare basis,

(c) to make other miscellaneous amendments.

It is noted that the NSW Rural Lands Protection Board System Review recommended that the number of rural lands protection districts be reduced from 47 to 14 by a process of amalgamations. The amendments contained in this Bill are to commence simultaneously with (and in places complement) those amalgamations.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on 1 January 2009 (except for Schedule 4 [1], [2] and [4]–[8] and Schedule 6.1 [1], [4], [5] and [7] and Schedule 6.19 [1] and [2] to the proposed Act which are to commence on 1 January 2010).

Clause 3 is a formal provision that gives effect to the amendments to the Rural

Lands Protection Act 1998 set out in Schedules 1–5.

Clause 4 is a formal provision that gives effect to the amendments to the Acts and instruments set out in Schedule 6.

Clause 5 repeals the Rural Lands Protection Amendment Act 2006.

Clause 6 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the Explanatory note page 3

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proposed Act will be spent and section 30 of the Interpretation Act 1987 provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments to Rural Lands Protection Act 1998 relating to structure of rural lands protection system

Schedule 1 makes various changes to the rural lands protection system in New South Wales.

Livestock health and pest authorities

Schedule 1 [15] substitutes Division 1 of Part 6 of the Principal Act:

(a) to rename rural lands protection boards as livestock health and pest authorities, and

(b) to provide that such authorities are to be governed by a board of directors consisting of:

(i) 6 elected directors (or, in relation to certain specified boards, the number of elected directors specified by the Minister by order), and

(ii) 2 directors appointed by the authority, after a process of selection on merit, on the basis of the appointed director having expertise, experience or qualifications in law, business, financial management, corporate governance or any other area of expertise determined to be relevant by a guideline issued by the State Council.

Schedule 1 [49], among other things, inserts a definition of selection on merit into the Dictionary to the Principal Act. Selection on merit is defined as the appointment of a member or director after some form of open competition involving the selection of the member or director to be appointed as the person who has the greatest merit among candidates for appointment.

State Policy Council of Livestock Health and Pest Authorities

Schedule 1 [9] substitutes Part 4 of the Principal Act:

(a) to abolish the annual State Conference of Rural Lands Protection Boards and replace it with a State Policy Council of Livestock Health and Pest Authorities, and

(b) to provide that the Policy Council is to consist of the following members:

(i) 2 members for each district, appointed by the authority of the district from among its directors,

(ii) such other members as are appointed by the Minister, and

(c) to provide for the functions of the Policy Council, including the following:

(i) the determination of general policies to be implemented by authorities for the protection of rural lands,

(ii) the determination of primary policies to guide the State Council in carrying out its functions,

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(iii) the selection on merit, and appointment, of members of the State Council,

(iv) the provision of advice on any specified matter referred to it by the Minister, the State Council or an authority,

(v) carrying out such other functions as may be imposed on it by the Minister, and

(d) to require the Policy Council, as soon as practicable after the end of each financial year (but within such period as may be specified in the regulations), to report to the Minister and the authorities (in the manner specified in the regulations, if any) on the activities and performance of the Policy Council during the previous year.

Schedule 1 [30] inserts proposed Schedule 1A into the Principal Act to make further provision regarding the constitution and procedure of the Policy Council.

State Management Council of Livestock Health and Pest Authorities

Schedule 1 [10] substitutes Divisions 1 and 2 of Part 5 of the Principal Act:

(a) to abolish the State Council of Rural Lands Protection Boards and replace it with a State Management Council of Livestock Health and Pest Authorities, and

(b) to provide that the State Council is to consist of the following members:

(i) 6 persons appointed by the Policy Council, after a process of selection on merit, from among the directors of authorities,

(ii) 2 persons appointed by the Policy Council, after a process of selection on merit, on the basis of the person having expertise, experience or qualifications in law, business, financial management, corporate governance or any other area of expertise that the Policy Council determines to be relevant to the operation of the State Council,

(iii) one person appointed by the Minister on the nomination of the Director-General of the Department of Primary Industries (the Director-General) being a person with experience in animal health and pest management, and

(c) to provide for the functions of the State Council, and

(d) to provide that the State Council must:

(i) at least 2 months (or such other period as may be specified in the regulations) before the commencement of each financial year, provide an annual operating plan and budget for the operations of the State Council (in the manner specified in the regulations, if any) for that following financial year to the Minister and the Policy Council, and

(ii) as soon as practicable after the end of each financial year (but within such period as may be specified in the regulations), report to the Minister and the Policy Council (in the manner specified in the regulations, if any) on the performance of the State Council in respect

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of the strategic plan and annual operating plan during the previous financial year.

As a consequence of the abolition of the old State Council (whose members were elected to represent a region), Schedule 1 [6] omits section 9 of the Principal Act (Rural lands protection regions) which will become obsolete.

Schedule 1 [13] substitutes section 31 of the Principal Act to provide for the funding of the State Council by contributions by authorities.

Schedule 1 [34] substitutes clause 4 of Schedule 1 to the Principal Act to provide that a person is not eligible to hold office as a member of the State Council for more than 8 years in total or such other period as may be prescribed by the regulations (whether or not involving consecutive terms of office).

Other amendments

Section 6 (1) of the Principal Act provides that the Minister must divide each district (other than certain exempt districts) into divisions. Schedule 1 [4] substitutes section

6 (1) to provide that the Minister has a discretion as to whether to divide districts into divisions.

Schedule 1 [39] substitutes clause 6 (1) (i) and (j) of Schedule 1 to the Principal Act to provide that a person who is:

(a) an elected director ceases to hold office if the person ceases to be eligible for election to that office, and

(b) a member of the State Council appointed by an authority ceases to hold office if the person ceases to be a director of that authority.

Schedule 1 [18] inserts proposed Part 6A (Honesty and conduct) into the Principal Act to deal with the following:

(a) the good conduct of Policy Council and State Council members, and directors of boards of authorities,

(b) the issue of a code of conduct by the State Council to be observed by all directors of boards of authorities,

(c) the consequences of contravention of the code of conduct.

Schedule 1 [38] inserts clause 5 (3) and (4) into Schedule 1 to the Principal Act to provide that the Minister may fix different rates for remuneration for elected and appointed directors and that a fee paid as remuneration to a member of the State Council or to a director does not constitute salary for the purposes of any Act.

Section 223 of the Principal Act provides for the appointment of an administrator for a newly amalgamated district. Section 224 of the Principal Act provides for a number of alternatives to the appointment of such an administrator. Schedule 1 [28] inserts proposed new subsections (3A) and (3B) into section 224 of the Principal Act to provide that:

(a) as an alternative to appointing an administrator for a newly amalgamated district, the Minister may direct that a person exercise the functions of director

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of a district (whether or not the person was a director of a district that was a constituent part of an amalgamated district) pending the election of the directors of the board of the authority for the newly constituted district, and

(b) the Minister may appoint a person directed under section 224 (2), (3) or (3A) to exercise functions as a director to act as Chairperson of the board of the authority of a newly constituted district pending the election of the directors of the board of the authority for the district.

Schedule 1 [1]–[3], [5], [7], [8], [11], [12], [14], [16], [17], [19]–[27], [29], [31]–[37] and [40]–[56] make consequential amendments.

Schedule 2 Amendments to Rural Lands Protection Act 1998 relating to elections for and appointments of directors

Schedule 2 substitutes Schedule 2 (Election or appointment of directors) to the Principal Act. The proposed new Schedule 2:

(a) renames the authorised officer with functions under that Schedule as the enrolment officer (see proposed clause 1), and

(b) provides that a person is not qualified for election (or appointment) as an appointed or elected director of a board for a district if, at any time during the 4 year period preceding the relevant election (or appointment), the person had been removed from office as a director of a board (see proposed clause 5), and

(c) restarts the 4 yearly cycle of elections for authorities so that general elections for the elected directors are to be held to enable the directors of the board elected at the general election to take office on 1 May 2009 and subsequently 1 May 2013 (see proposed clause 7), and

(d) provides for maximum terms of office for directors, specifically:

(i) in the case of a director who is or has been a member of the State

Council (after 1 January 2009)—12 years in total or such other period as may be prescribed by the regulations, or

(ii) in any other case—8 years in total or such other period as may be prescribed by the regulations (see proposed clause 9), and

(e) provides for the automatic enrolment of electors for such elections, including by enabling the enrolment officer for an authority, where more than 2 individuals are occupiers of a holding of rateable land to enrol the first 2 names of those occupiers occurring in alphabetical order, subject to those occupiers nominating up to 2 of their number themselves (see proposed clauses 12 and 13), and

(f) enables objections to be made to the State Council regarding the inclusion or exclusion of the name of any person on or from the roll (see proposed clause 14), and

(g) expands the regulation-making power to regulations for or with respect to the keeping of rolls (see proposed clause 19).

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Schedule 3 Amendments to Rural Lands Protection Act 1998 relating to periodic elections for directors

Schedule 3 makes amendments to initiate a cycle of periodic elections for elected directors of boards of authorities. The amendments are contained within a Schedule (proposed Schedule 8) to be inserted into the Principal Act (see Schedule 3 [2] to this proposed Act).

Schedule 3 [1] provides that proposed Schedule 8 is to commence on 1 January 2014 and provides for the repeal of that proposed Schedule the following day (after its amendments have commenced).

The amendments will operate in conjunction with proposed clause 41 (First periodic elections for boards of authorities) of proposed new Part 6 which is to be inserted into Schedule 7 (Savings and transitional provisions) of the Principal Act by Schedule 5 [42]. Proposed clause 41 provides that at the first meeting of each board after the general election held in 2013, the directors so elected are to be divided, in accordance with the method set out in the regulations, into two year term directors and four year term directors. The term of office of a two year term director expires on the day immediately before the periodic election to be held in 2015 and the term of office of a four year term director expires on the day immediately before the periodic election held in 2017.

Proposed Schedule 8 contains amendments that provide that:

(a) the State Council is to ensure that:

(i) a periodic election is held for each board for the elected director offices falling vacant in 2015 to enable the directors so elected at the election to take office on 1 May 2015, and

(ii) periodic elections are subsequently held in every second year after 2015 for the elected director offices falling vacant in those years to enable directors elected at those periodic elections to take office on 1 May in that year, and

(b) regulations may be made for or with respect to the holding of an election for all elected director positions (for example, after an amalgamation or after the appointment of an administrator) and, specifically, may make provision for the recommencement of a cycle of periodic elections.

Proposed Schedule 8 also contains consequential amendments.

Schedule 4 Amendments to Rural Lands Protection Act 1998 relating to rating

Schedule 4 makes a number of amendments to provisions of the Principal Act

relating to the making and levying of rates. The following amendments are to commence on 1 January 2010, other than the amendment made by Schedule 4 [3] which is to commence on 1 January 2009 (see clause 2 to the proposed Act).

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Schedule 4 [3], which is to commence on 1 January 2009 (see clause 2 to the proposed Act), omits section 62 (5) (a) and (b) of the Principal Act. Those paragraphs provide that the regulations under the Principal Act may:

(a) specify a minimum amount of any rate that may be levied in respect of land in a district, and

(b) specify a minimum or maximum amount of any rate that may be levied in respect of any land in a district having a notional carrying capacity specified by the regulations.

Schedule 4 [1], [2] and [4]–[8], which are to commence on 1 January 2010 (see clause 2 to the proposed Act), make amendments that:

(a) remove the concept of “notional carrying capacity” of land (being the number of stock that the rural lands protection board for the district assessed could be maintained on the land) as the basis for the making and levying of rates, and

(b) provide that rates may consist of a base amount and an amount calculated on a per hectare basis, and

(c) provide that authorities may, in accordance with the regulations or any guidelines given by the State Council, if any, divide their districts into zones and make and levy different rates for different zones.

Schedule 6.1 [1], [4], [5] and [7] and Schedule 6.19 [1] and [2] make amendments to the Agricultural Livestock (Disease Control Funding) Act 1998 and the Meat Industry Act 1978 (also to commence on 1 January 2010) consequent on the abolition of the concept of notional carrying capacity of land referred to above.

Schedule 5 Miscellaneous amendments to Rural Lands Protection Act 1998

Schedule 5 [1] substitutes the long title to the Principal Act.

Schedule 5 [2] inserts proposed section 2A into the Principal Act as an Objects of Act section.

Division 3 of Part 5 of the Principal Act currently provides that the State Council may, by notice in writing, request a rural lands protection board to take specified action. If the board fails to comply, action may be taken by the State Council under section 29 of the Principal Act or an administrator may be appointed under Part 14 of the Principal Act, or both. Schedule 5 [4]–[6] amend Division 3 of Part 5 of the Principal Act to rename the State Council’s “requests” as “orders” to remove any misunderstanding in the future that such requirements must be complied with.

Schedule 5 [3] and [30] make consequential amendments.

Schedule 5 [7] amends section 33 of the Principal Act to provide that the financial year of the State Council commences on 1 July each year rather than 1 January.

Schedule 5 [8] omits section 42 (5) and (6) from the Principal Act to remove the requirement that a person must be employed as a full-time district veterinarian for each district (other than a district located in the Western Division).

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Schedule 5 [9] inserts proposed section 43 into the Principal Act to clarify the animal health functions of authorities. The proposed section provides that authorities have the following functions in relation to animal health:

(a) the facilitation of the provision of the following types of programs (including by providing resources for such programs):

- (i) animal disease prevention, management, control and eradication programs,
- (ii) chemical residue prevention, management and control programs,
- (b) the delivery of advisory services (including by providing resources for such services) related to the following:
 - (i) animal disease prevention, management, control and eradication,
 - (ii) chemical residue prevention, management and control,
 - (c) the provision of resources for conducting animal disease surveillance programs,
 - (d) the collection, collation, interpretation and reporting of animal disease surveillance information,
 - (e) the maintenance of records relating to, and making reports on, the disease status and chemical residue status of stock and land,
 - (f) the provision of animal health services (including advisory services and services related to animal production) with respect to stock and any other animal that has a disease which may affect stock in the authority's district,
 - (g) the implementation of emergency animal disease preparedness and response programs.

Schedule 6.28 [3] omits clause 61 of the Rural Lands Protection (General) Regulation 2001 as a consequential amendment.

Section 44 (1) of the Principal Act currently provides that a board must prepare a draft function management plan for its functions in respect of all travelling stock reserves under its care, control and management within such period as is specified by the State Council. Schedule 5 [10] replaces section 44 (1) of the Principal Act to provide that an authority must also, within such period as is specified by the State Council, prepare a draft function management plan for its animal health functions. Schedule 5 [11] inserts proposed section 49 (3) into the Principal Act to provide that, in the event of an inconsistency between a function management plan prepared under Division 3 of Part 6 of that Act and a memorandum of understanding entered into under section 13 (1) of that Act (or an instrument issued under such a memorandum of understanding), the memorandum of understanding (or instrument) prevails to the extent of the inconsistency.

Schedule 5 [12] amends section 53 of the Principal Act to provide that the financial year of authorities commences on 1 July each year rather than 1 January.

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Schedule 5 [13] amends the definition of publicly available document in section 56 (1) of the Principal Act to provide that the rolls of electors required to be established and maintained by an authority under clause 11 of Schedule 2 to that Act are to be available for public inspection.

Schedule 5 [14] inserts proposed section 56A into the Principal Act to provide that during an emergency animal disease outbreak, the Director-General may direct the animal health staff of an authority (being members of staff of the authority who are veterinarians or inspectors within the meaning of the Stock Diseases Act 1923) to take such actions as the Director-General considers appropriate. A member of the animal health staff of the authority must comply with any such direction.

Section 72 of the Principal Act provides that an occupier or owner of a holding who is dissatisfied with the decision of a board on review of an assessment of the notional carrying capacity of a holding may appeal against the board's assessment to the appropriate local land board. Schedule 5 [15] inserts proposed section 72 (3) into the Principal Act to provide that, before hearing such an appeal against an assessment of the notional carrying capacity of a holding, the local land board must be satisfied that the appellant has paid all rates that the appellant is liable to pay under the Principal

Act, other than any rates based on the assessment of the notional carrying capacity that is the subject of the appeal.

Section 100 of the Principal Act deals with the issue of permits (reserve use permits) authorising persons or groups of persons to engage in any activity in, or to occupy or make use of, a travelling stock reserve for the purpose of establishing and maintaining an apiary or for any other purpose. Schedule 5 [16] and [18] amend section 100 (1) of, and insert proposed section 100 (1A) into, the Principal Act to make it clear that such permits may be issued for use at a single specified day or time of day or at multiple specified days or times of day, or both.

Section 101 of the Principal Act currently provides that an authorised officer of a responsible board may issue a permit (a stock permit) to any person authorising the person to do anything (or omit to do anything) on or in relation to any public road or travelling stock reserve specified in the permit in respect of stock owned or in the charge of the person and that would otherwise contravene a provision of Division 5 of Part 8 of that Act. Schedule 5 [17] and [19] amend sections 100 (1) and 101 (1) of the Principal Act to make it clear that, in future, a responsible authority, and an authorised officer of a responsible authority, may only issue reserve use permits for travelling stock reserves, or stock permits for public roads or travelling stock reserves, in the authority's district.

Section 102 (2) of the Principal Act deals with the application fees or amounts that must be paid before a stock permit is issued. Schedule 5 [20] replaces section 102 (2) of the Principal Act to provide that a permit must not be issued unless:

(a) in relation to a reserve use permit—the fee (if any) determined by the authority has been paid or arrangements have been made for payment of the fee after issue of the permit, or

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(b) in relation to a stock permit that solely authorises a person to walk stock on a public road or travelling stock reserve—the fee (if any) determined by the authority has been paid or arrangements have been made for payment of the fee after issue of the permit, or

(c) in relation to a stock permit that solely authorises a person to graze stock on a public road—the fee (if any) prescribed by the regulations in respect of the permit, or such lesser amount as may be determined by the authority in accordance with section 102 (2A) of the Principal Act, has been paid or arrangements have been made for payment of the fee or the lesser amount after issue of the permit, or

(d) in relation to a stock permit that solely authorises a person to graze stock on a controlled travelling stock reserve—the following fee (if any) or amount has been paid or arrangements have been made for payment of the fee or amount after issue of the permit:

(i) the fee determined by an auction, public tender or other means approved by the State Council for the permit,

(ii) the fee (if any) prescribed by the regulations in respect of the permit, or such lesser amount as may be determined by the authority in accordance with section 102 (2A) of the Principal Act, or

(e) in relation to any other stock permit—the fee (if any) prescribed by the regulations in respect of the permit, or such lesser amount as may be determined by the authority in accordance with section 102 (2A) of the Principal Act, has been paid or arrangements have been made for payment of the fee or the lesser amount after issue of the permit.

Schedule 5 [21] inserts proposed section 102 (4) into the Principal Act to make it clear that if a board has determined that the fee for a stock permit that solely

authorises a person to graze stock on a public road or controlled travelling stock reserve is to be determined by an auction, public tender or other means approved by the State Council (as referred to in proposed section 102 (2) (d) (i)) and such an auction, public tender or determination by other means occurs, the board may not accept the fee or lesser amount (as referred to in proposed section 102 (2) (d) (ii)) for the permit.

Schedule 6.28 [1] makes a consequential amendment to clause 44 of the Rural Lands Protection (General) Regulation 2001.

Section 134 of the Principal Act provides that the controlling authority of a stock watering place may, following auction, public tender or other means approved by the State Council, grant a lease of the watering place. Schedule 5 [22] inserts proposed section 134 (3) into the Principal Act to provide that a lease of a stock watering place may, with the approval of the controlling authority of that place, be transferred to another person.

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Section 144 (2) and (3) of the Principal Act provide that the Minister must:

(a) before making a pest control order declaring any member of the animal kingdom that is a native species to be a pest—consult with the Minister for the Environment, and

(b) before making a pest control order declaring a game animal that is listed in section 5 (1) of the Game and Feral Animal Control Act 2002 to be a pest—consult with the Game Council of New South Wales.

Schedule 5 [23] omits those subsections and inserts instead proposed section 144 (2) to provide that, before making a pest control order declaring any member of the animal kingdom that is a native species, or a game animal that is listed in section 5 (1) of the Game and Feral Animal Control Act 2002, to be a pest the Minister must consult with such persons or organisations as may be prescribed by the regulations.

Schedule 6.28 [2] inserts proposed Part 6B (Pests) (being proposed clause 54D) into the Rural Lands Protection (General) Regulation 2001 to prescribe the NSW Pest Animal Council for the purposes of proposed section 144 (2).

Sections 159–162 of the Principal Act provide that before an individual eradication order is given by a board to the occupier or owner of land, notice must be given to that person, the person may make representations concerning the proposed individual eradication order and the board is required to hear and consider any such representations in accordance with a set procedure. Section 168 of the Principal Act provides that if an individual eradication order is made in accordance with Division 3 of Part 11 of that Act (which contains those provisions), the board concerned is taken to have observed the rules of procedural fairness.

Schedule 5 [24] omits sections 159–162 and 168 of the Principal Act to streamline the procedure for giving such individual eradication orders. Authorities will, because of the omission of section 168, have to ensure that the ordinary rules of procedural fairness are followed.

Section 169 of the Principal Act provides that an authorised officer may take such measures and carry out such work on any controlled land as the authorised officer considers necessary to eradicate pests on the land if a pest control order authorises the taking of such action, or the owner or occupier of the land has failed to comply with a pest control order or an eradication order applying to the land. Schedule 5 [25] inserts proposed section 169 (c) into the Principal Act to provide that an authorised officer may also take such measures and carry out such work if the owner or occupier of the land consents to the measures or work being taken or carried out.

Section 187 of the Principal Act provides that every authorised officer, other than a police officer, is to be provided by the authorising authority with an identification

card and that the authorised officer must produce the identification card if requested to do so in the course of exercising his or her functions. Schedule 5 [26] amends section 187 of the Principal Act to allow for the issue of identification documents as well as identification cards.

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Schedule 5 [27] amends section 191 (3) of the Principal Act to provide that it is an authorised officer's relevant "authorising authority" (who could in some cases be the Minister, the State Council or the Director-General), and not necessarily the relevant authority, who in certain urgent circumstances may dispense with the requirement to give notice of an authorised officer's intention to enter land under the authority of Part 12 of that Act.

Schedule 5 [28] inserts proposed section 191 (3) (c1) into the Principal Act to provide that notice of entry is not required to be given if the authorised officer concerned is a police officer and the giving of notice would defeat the purpose for which it is intended to exercise the power of entry.

Schedule 5 [29] inserts proposed section 214A into the Principal Act to provide that, in any proceedings under that Act, proof is not required (unless evidence is given to the contrary) of certain specified matters.

Schedule 5 [31] inserts proposed section 240 (1) (a) (iv) into the Principal Act to provide that notices and other documents may be served or given by email. Schedule 5 [32] inserts a note into that section to alert the reader to a provision of the Interpretation Act 1987 relating to service of documents by post.

Schedule 5 [33] removes the reference in section 242 (1) of the Principal Act to appeals to a local land board being "in the approved form". Schedule 5 [34] omits section 242 (2) of the Principal Act which dealt with the fees that are to accompany notices of appeal. Those matters are now to be dealt with under the legislation that governs local land boards: see Schedule 6.5 [1] and [2] and Schedule 6.33.

Schedule 5 [44] makes a complementary amendment.

Schedule 5 [35] inserts proposed section 243 (2) (i)–(l) into the Principal Act to provide that regulations may be made for or with respect to the following:

(a) the selection on merit of members of the State Council and of appointed directors of boards of authorities,

(b) the appointment of members of the State Council by the Policy Council,

(c) the process of making, and the form and content of, the strategic plan of the State Council,

(d) matters of a savings or transitional nature consequent on any amalgamation of districts.

Schedule 5 [36] inserts proposed clause 6 (6) into Schedule 1 to the Principal Act to provide that a resignation of a member of the State Council or a director of a board of an authority takes effect on the date specified in the instrument of resignation or on the date that the instrument is received, in the case of a member of the State Council, by the Minister or, in the case of a director of a board, by the authority (whichever is the later).

Schedule 5 [37] amends clause 9 of Schedule 1 to the Principal Act to make further provision with respect to Chairpersons and Deputy Chairpersons of boards of authorities (including their election to and termination from office).

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Schedule 5 [38] inserts proposed clause 15 (3) into Schedule 1 to the Principal Act to provide that if the offices of Chairperson and Deputy Chairperson of a board of an authority are vacant, the senior administrative member of staff of the authority is to

convene certain meetings of the board.

Schedule 5 to the Principal Act deals with the forced sale of land to pay unpaid rates or charges owing to a rural lands protection board. Clause 5 of that Schedule requires notice of a proposed sale to be given in a specified manner. If, before the time fixed for the sale, all rates and charges payable (including overdue rates and charges) are paid to the board or an arrangement satisfactory to the board for payment of all such rates and charges is entered into by the rateable person, the board must not proceed with the sale. Schedule 5 [39] and [40] amend clause 5 (2) of Schedule 5 to the Principal Act to provide that the rateable person must pay (or satisfactorily arrange to pay) the expenses of the authority concerned incurred in connection with the proposed sale, if the sale of the land is not to proceed.

Schedule 5 [41] and [42] make amendments to the Principal Act of a savings or transitional nature.

Schedule 5 [43] omits the definition of district veterinarian from the Dictionary to the Principal Act.

Schedule 5 [45] amends the definition of owner in the Dictionary to the Principal Act to make it clear beyond doubt that the term includes a person entitled to an estate of freehold in possession:

- (a) whether in fee simple or for life or otherwise, or
- (b) whether at law or in equity, or
- (c) whether absolutely or by way of mortgage.

Schedule 6 Amendment of other Acts and instruments

Schedule 6 makes consequential amendments to the following Acts and instruments:

- (a) Agricultural Livestock (Disease Control Funding) Act 1998,
- (b) Apiaries Act 1985,
- (c) Criminal Procedure Act 1986,
- (d) Crown Lands Act 1989,
- (e) Crown Lands Regulation 2006,
- (f) Deer Act 2006,
- (g) Duties Act 1997,
- (h) Fines Act 1996,
- (i) Firearms Act 1996,
- (j) First State Superannuation Act 1992,
- (k) Forestry Act 1916,
- (l) Game and Feral Animal Control Act 2002,

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Rural Lands Protection Amendment Bill 2008

Explanatory note

- (m) Gene Technology (GM Crop Moratorium) Act 2003,
- (n) Impounding Act 1993,
- (o) Land and Environment Court Act 1979,
- (p) Land Tax Management Act 1956,
- (q) Local Court Act 2007,
- (r) Local Courts Act 1982,
- (s) Meat Industry Act 1978,
- (t) National Parks and Wildlife Act 1974,
- (u) Non-Indigenous Animals Act 1987,
- (v) Noxious Weeds Act 1993,
- (w) Poisons and Therapeutic Goods Act 1966,
- (x) Prevention of Cruelty to Animals Act 1979,
- (y) Public Finance and Audit Act 1983,
- (z) Public Sector Employment and Management Act 2002,
- (aa) Roads Act 1993,
- (ab) Rural Lands Protection (General) Regulation 2001,

- (ac) State Authorities Non-contributory Superannuation Act 1987,
- (ad) State Authorities Superannuation Act 1987,
- (ae) Stock Diseases Act 1923,
- (af) Superannuation Act 1916,
- (ag) Western Lands Regulation 2004,
- (ah) Wild Dog Destruction Act 1921.