

Rural Lands Protection Amendment Bill 2002

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* so as:

- (a) to enable rural lands protection boards to deal with urgent matters arising in between annual State Conferences, and
- (b) to clarify the liabilities of former and incoming occupiers, and of owners of land, for rates levied by rural lands protection boards, and
- (c) to enable certain penalties paid under penalty notices to be paid to the State Council, and
- (d) to make changes to the procedures relating to the election or appointment of directors of rural lands protection boards.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Rural Lands Protection Act 1998* set out in Schedule 1.

Schedule 1 Amendments

Section 17 of the *Rural Lands Protection Act 1998* specifies matters that must be determined at annual State Conferences of rural lands protection boards.

These matters include general policies to be implemented by the boards for the protection of rural lands and primary policies to guide the State Council in carrying out its functions.

Schedule 1 [3] and [5] enable rural lands protection boards, through the State Council, to deal with urgent matters without waiting for the next annual State Conference. **Schedule 1 [1], [2] and [4]** are amendments consequential on the new power of the boards to deal with urgent matters that arise in between annual State Conferences.

Schedule 1 [6]–[8] and [10] make it clear that it is only the liability of a person to pay to the rural lands protection board a rate (being a rate in respect of land that is unpaid on the day the person ceases to be the occupier or owner of the land) that is extinguished when the person gives notice to the board of the change in occupancy or ownership. The person's liability to pay a person who may have paid the unpaid rate to the board continues and is not extinguished by the notice.

Schedule 1 [9] makes it clear that the liability of a person other than the Crown who is the owner or new owner of land for payment to the appropriate rural lands protection board of any rate, interest or charges in respect of the land that was not paid by the former occupier or former owner continues despite the giving by the former occupier or former owner of a notice of change of occupancy or ownership.

Schedule 1 [11] provides that the occupier or owner of land may recover as a debt any amount paid for accrued rates referred to in the section.

Schedule 1 [12] enables rural lands protection boards to issue stock permits for less than the amount prescribed by the regulations in respect of the permit.

Schedule 1 [13] is a minor amendment to clarify the contributions of rural lands protection boards to the cost of eradicating certain pests.

Schedule 1 [14] specifies the persons to whom penalties for penalty notice

offences must be paid.

Schedule 1 [15]–[17] provide for the ownership and disposition of penalties paid for penalty notice offences.

By an order under clause 7 of Schedule 2 to the Act published in the Gazette on 28 September 2001, the general elections of directors of the rural lands protection boards on 1 October 2001 were postponed to 1 October 2002.

Schedule 1 [18] is an amendment consequential on that postponement.

Schedule 1 [19] enables the Minister to appoint directors in case of vacancies arising after the postponement of general elections of directors. This removes the obligation to hold special elections to fill those vacancies.

Schedule 1 [20] allows the use of a person's postal address (instead of the current residential address) for purposes of the electoral roll.

Schedule 1 [21] removes the discretion of an authorised officer relating to which of the persons eligible to be enrolled for purposes of the election of directors of rural lands protection boards is to be enrolled where there are 2 or more occupiers of land who are eligible for enrolment. By removing the discretion, the burden is shifted to the eligible occupiers of the land to nominate for enrolment.

Schedule 1 [22] amends Schedule 7 to the Act to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [23] inserts a new Part 3 in Schedule 7 which contains a savings provision relating to existing electoral rolls.