

Pastoral and Agricultural Crimes Legislation Amendment Bill 2002

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Inclosed Lands Protection Act 1901*:
 - (i) to provide for the issue of penalty notices for offences under that Act, and
 - (ii) to prevent the destruction of goats that are ear marked or wearing ear tags, and to make a consequential amendment to the *Fines Act 1996*, and
- (b) to amend the *Rural Lands Protection Act 1998*:
 - (i) to require persons in charge of vehicles transporting cattle, sheep and other stock prescribed by the regulations by road to be in possession of certain documentation, and
 - (ii) to require persons responsible for such stock that are being transported by rail, water or air to be in possession of certain documentation, and
 - (iii) to authorise police officers and other authorised officers to stop, and to search, vehicles transporting cattle, sheep and other stock prescribed by the regulations for the purpose of inspecting that documentation, and
 - (iv) to provide for the approval or accreditation of such documentation, and
 - (v) to clarify the requirements for the presentation of identification by authorised officers under the Act who are police officers, and
- (c) to amend the *Summary Offences Act 1988* to create an offence of entering and hunting an animal on private land without the consent of the owner or occupier of the land and to provide for the issue of penalty notices for the offence.

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 set out in Schedules 1–4.

Clause 4 makes an amendment to the *Rural Lands Protection General Regulation 2001* that is consequential on the amendments to the *Rural Lands Protection Act 1998* described in paragraph (b) (i)–(iv) of the Overview to this Bill.

Schedule 1 Amendment of Fines Act 1996

Schedule 1 contains an amendment to the *Fines Act 1996* that is consequential on the amendment to the *Inclosed Lands Protection Act 1901* relating to penalty notices described in paragraph (a) (i) of the Overview to this Bill.

Schedule 2 Amendment of Inclosed Lands Protection Act 1901

Schedule 2 amends the *Inclosed Lands Protection Act 1901* as described in paragraph (a) (i) and (ii) of the Overview to this Bill. A consequential amendment is made to the *Fines Act 1996* by Schedule 1.

Schedule 3 Amendment of Rural Lands Protection Act 1998

Schedule 3 amends the *Rural Lands Protection Act 1998* as described in paragraph (b) of the

Overview to this Bill.

Schedule 3 [1] inserts proposed Part 10A into the Act.

Part 10A (sections 140A–140J) makes it an offence for the person in charge of a vehicle on a road to transport stock in the vehicle unless the person is in possession of a transported stock statement in relation to the stock. It also makes it an offence to consign stock by rail, water or air without providing such a statement in relation to the stock to the consignee or person to be responsible for the stock during transportation and requires persons responsible for such stock to be in possession of certain documentation during the transportation. Offences are created relating to the retention of records of such statements. Powers to stop and search vehicles on roads are conferred on police officers and other authorised officers for the purposes of the proposed Part.

Section 140A contains definitions of terms and expressions used in the proposed Part. **Transported stock statement** is defined to mean a document that contains stock transportation particulars and is in a form approved by the Accreditation Committee or the Director-General of the Department of Agriculture under section 140I. **Stock** is defined as cattle, sheep and any other animal declared by the regulations to be stock.

Section 140B sets out the particulars required to be stated in a transported stock statement.

Section 140C and 140D create the offences described above relating to possession and provision of transported stock statements.

Section 140E creates offences relating to retention of records of transported stock statements.

Section 140F authorises police officers and other authorised officers to stop and search vehicles on roads in certain circumstances.

Section 140G makes it an offence for a person to fail (without reasonable excuse) to disclose his or her name and address to a police officer or other authorised officer if requested to do so.

Section 140H constitutes the Stock Transportation Accreditation Committee (the **Accreditation Committee**).

Section 140I provides for the making of applications to the Accreditation Committee for approvals.

Section 140J provides for the Accreditation Committee and Director-General to approve the form of transported stock statements.

Schedule 3 [2] and [3] amend section 187 of the Act as described in paragraph (b) (v) of the Overview to this Bill.

Schedule 3 [4] amends section 244 of the Act to enable the regulations to exempt specified land or classes of land, specified persons or classes of person or activities or classes of activity from the operation of the proposed Part.

Schedule 3 [5] inserts a power to make savings and transitional regulations.

Schedule 3 [6] contains savings provisions.

Schedule 4 Amendment of Summary Offences Act 1988

Schedule 4 amends the *Summary Offences Act 1988* as described in paragraph (c) of the Overview to this Bill.