



New South Wales

Dividing Fences Amendment Bill 2020

Explanatory note

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

Overview of Bill

The object of this Bill is to apply the *Dividing Fences Act 1991* (the *principal Act*) to the Crown and other authorities.

Currently, the principal Act does not apply to the Crown or the following bodies—

- (a) a council,
- (b) a roads authority under the *Roads Act 1993* in relation to a public road,
- (c) an irrigation corporation within the meaning of the *Water Management Act 2000*,
- (d) an Aboriginal Land Council in relation to certain land reserved under the *National Parks and Wildlife Act 1974*,
- (e) Water NSW.

The effect of the proposed amendment is to apply the principal Act to the Crown, councils, roads authorities and Water NSW, so that they will be liable to pay for dividing fencing work. Irrigation corporations and Aboriginal Land Councils will remain exempt from the principal Act.

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 the date of assent to the proposed Act.

Clause 3 amends the principal Act to give effect to the Overview above.



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Dividing Fences Amendment Bill 2020

No. _____, 2020

A Bill for

An Act to amend the *Dividing Fences Act 1991* to apply the Act to the Crown in right of New South Wales and other public bodies.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Dividing Fences Amendment Act 2020</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Amendment of Dividing Fences Act 1991 No 72	6
Section 25	7
Omit the section. Insert instead—	8
25 Application of Act	9
(1) This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	10 11 12
(2) This Act does not operate to impose liability for, or to confer rights in, dividing fences on—	13 14
(a) an irrigation corporation within the meaning of the <i>Water Management Act 2000</i> , or	15 16
(b) an Aboriginal Land Council in relation to land reserved under Part 4A of the <i>National Parks and Wildlife Act 1974</i> .	17 18
(3) However, nothing in this Act prevents an irrigation corporation or an Aboriginal Land Council from entering into arrangements, other than those arising under this Act, to contribute to fencing work in respect of dividing fences.	19 20 21 22