



New South Wales

## Local Land Services Bill 2013

### Explanatory note

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

### Overview of Bill

The objects of this Bill are as follows:

- (a) to establish a statutory corporation (to be known as *Local Land Services*) to administer, deliver and fund certain programs and services associated with agricultural production, biosecurity, natural resource management and emergency management and to exercise other land service related functions,
- (b) to establish local boards for the purpose of devolving operational management and planning functions to regional levels to facilitate targeted local delivery of programs and services,
- (c) to repeal the *Rural Lands Protection Act 1998*, re-enact Parts 8–13 of that Act (and related Schedules) and confer certain functions under those provisions on Local Land Services,
- (d) to repeal the *Catchment Management Authorities Act 2003*,
- (e) to make consequential amendments to certain other Acts and statutory rules.

## Outline of provisions

### **Part 1 Preliminary**

**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 2014, except for certain transitional provisions.

**Clause 3** sets out the objects of the proposed Act.

**Clause 4** defines the term *local land services* for the purposes of the proposed Act. In general, local land services are programs and advisory services associated with agricultural production, biosecurity, natural resource management and emergency management.

**Clause 5** provides that certain words and expressions are defined in the Dictionary to the proposed Act.

**Clause 6** provides that for the purposes of the proposed Act, the State is divided into the regions described or identified in Schedule 1 to the proposed Act.

**Clause 7** provides for the abolition, establishment, amalgamation or change of name or boundaries of regions by Ministerial order.

### **Part 2 Local Land Services**

#### **Division 1 Constitution and management of Local Land Services**

**Clauses 8–13** constitute Local Land Services as a body corporate and deal with its management, control and staff. All decisions relating to the functions of Local Land Services are to be made by or under the authority of the Board of Chairs (*the Board*). The Chair of the Board of Chairs is responsible for the day-to-day management of the affairs of Local Land Services subject to the policies and directions of the Board.

#### **Division 2 Functions of Local Land Services**

**Clauses 14–18** provide for the general functions of Local Land Services and provide for the delegation of functions by Local Land Services and other persons and bodies.

#### **Division 3 Finance and audit**

**Clauses 19–24** contain provisions dealing with certain financial and audit matters, including:

- (a) the establishment of a Local Land Services Fund, and
- (b) investment powers in respect of those Funds, and
- (c) fees for services supplied by Local Land Services, and
- (d) provisions relating to annual reports and audits of Local Land Services.

## **Part 3 The Board and local boards**

### **Division 1 The Board of Chairs**

**Clauses 25 and 26** provide for the establishment and functions of the Board of Chairs. The Board is to consist of the following members:

- (a) the Chair of the Board of Chairs,
- (b) the chair of each local board,
- (c) such other persons with relevant skills and experience as may be appointed by the Minister administering the proposed Act (*the Minister*) as non-voting members.

### **Division 2 Local boards**

**Clauses 27–33** deal with the establishment, constitution and functions of local boards for regions. In general, a local board for a region is to be constituted by 7 members, being 3 members elected in accordance with the regulations and 4 members appointed by the Minister. Special provisions apply in relation to the local board for the Western Region.

The proposed Division also contains provisions dealing with delegations, provision of information to the community and the Board and the establishment of local community advisory groups for regions.

### **Division 3 Honesty and conduct**

**Clauses 34 and 35** contain provisions:

- (a) requiring the honest and diligent conduct of members of the Board and local boards, and
- (b) that provide that the Board may issue a code of conduct to be observed by all members of the Board and local boards.

## **Part 4 Planning the delivery of local land services**

### **Division 1 State strategic plan**

**Clauses 36–44** deal with the preparation and approval of State strategic plans for local land services in the State. Local Land Services is to prepare a draft State strategic plan and submit it to the Minister for approval. A State strategic plan is to contain:

- (a) the outcomes that are expected to be achieved by the implementation of the plan and the timeframes for achieving those outcomes, and
- (b) requirements for reporting on whether those outcomes and timeframes have been achieved, and
- (c) any other matters that the Minister may direct to be included in the plan.

## **Division 2 Local strategic plans**

**Clauses 45–54** deal with the preparation and approval of local strategic plans for local land services in the regions. A local board is to prepare a draft local strategic plan and refer it to Local Land Services for review. A draft plan is to be submitted to the Minister for approval. A local strategic plan is to contain:

- (a) the outcomes that are expected to be achieved by the implementation of the plan and the timeframes for achieving those outcomes, and
- (b) requirements for reporting on whether those outcomes and timeframes have been achieved, and
- (c) any other matters that the Minister may direct to be included in the plan.

## **Part 5 Rates, levies and contributions**

**Clauses 55–57** contain provisions dealing with the imposition of rates, levies and contributions. Local Land Services may make and levy, in accordance with the regulations, such types and amounts of rates, levies and contributions on rateable or other land in a region as are prescribed by, or determined in accordance with, the regulations. See Parts 2 and 4 of the proposed regulation in Schedule 9 to this Bill for provisions relating to rates and catchment contributions. These provisions substantially mirror provisions relating to those matters in the *Rural Lands Protection Act 1998* and the *Catchment Management Authorities Act 2003*.

**Clauses 58–60** contain provisions that deal with annual returns and the supply of information in respect of land and stock. The provisions substantially mirror sections 76–78 of the *Rural Lands Protection Act 1998*.

## **Part 6 Travelling stock reserves and public roads**

**Clauses 61–105** deal with travelling stock reserves and public roads and substantially mirror the provisions of Part 8 of the *Rural Lands Protection Act 1998*.

## **Part 7 Stock watering places**

**Clauses 106–113** deal with stock watering places and substantially mirror the provisions of Part 9 of the *Rural Lands Protection Act 1998*.

## **Part 8 Impounding of unattended and trespassing stock and abandoned articles**

**Clauses 114–117** deal with the impounding of unattended and trespassing stock and abandoned articles and substantially mirror the provisions of Part 10 of the *Rural Lands Protection Act 1998*.

## **Part 9 Transportation of stock by vehicle**

Clauses 118–127 deal with the transportation of stock by vehicle and substantially mirror the provisions of Part 10A of the *Rural Lands Protection Act 1998*.

## **Part 10 Pests**

Clauses 128–163 deal with the control and eradication of pests and substantially mirror the provisions of Part 11 of the *Rural Lands Protection Act 1998*.

## **Part 11 Powers of authorised officers**

Clauses 164–181 deal with the powers of authorised officers under the proposed Act and substantially mirror the provisions of Part 12 of the *Rural Lands Protection Act 1998*.

## **Part 12 Enforcement provisions**

Clauses 182–197 deal with the enforcement of the proposed Act and substantially mirror the provisions of Part 13 of the *Rural Lands Protection Act 1998*.

## **Part 13 Administration of functions of Local Land Services or local board**

Clauses 198–200 deal with the appointment of an administrator to carry out all or some of the functions of Local Land Services or a local board. An administrator may be appointed if the Board or local board has failed to comply with any direction of the Minister concerning, or to carry out to the satisfaction of the Minister, any of its functions. The provisions are similar to the provisions of Part 14 of the *Rural Lands Protection Act 1998*.

## **Part 14 Miscellaneous**

Clauses 201–211 contain a number of miscellaneous provisions dealing with matters including the following:

- (a) the acquisition of land,
- (b) entry onto land for construction of works and for other purposes,
- (c) the issue of certificates as to rates, charges and other matters,
- (d) orders to owners to muster stock,
- (e) protection from personal liability of certain persons for actions or omissions done in good faith,
- (f) the making of regulations for the purposes of the proposed Act,
- (g) the making of regulations regarding exemptions from certain parts of the proposed Act,

- (h) service of documents,
- (i) the repeal of:
  - (i) the *Rural Lands Protection Act 1998*, the *Rural Lands Protection Amendment Act 2008* and the *Rural Lands Protection Regulation 2010*, and
  - (ii) the *Catchment Management Authorities Act 2003* and the *Catchment Management Authorities (Hunter Central Rivers) Regulation 2010*,
- (j) the review of the proposed Act.

### **Schedule 1 Local Land Services regions**

**Schedule 1** contains a map that identifies the Local Land Services regions into which the State is divided.

### **Schedule 2 Constitution and procedure of Board and local boards**

**Schedule 2** contains provisions dealing with the constitution and procedure of the Board and local boards.

### **Schedule 3 Charges on land for unpaid amounts**

**Schedule 3** contains provisions relating to charges on land for unpaid amounts relating to fencing and pest eradication. The provisions of this Schedule substantially mirror the provisions of Schedule 4 to the *Rural Lands Protection Act 1998*.

### **Schedule 4 Administrators**

**Schedule 4** contains provisions relating to administrators. The provisions of this Schedule substantially mirror the provisions of Schedule 3 to the *Rural Lands Protection Act 1998*.

### **Schedule 5 Sale of land for unpaid money owing to Local Land Services**

**Schedule 5** contains provisions relating to the sale of land for unpaid money owing to Local Land Services relating to fencing and pest eradication. The provisions of this Schedule substantially mirror the provisions of Schedule 5 to the *Rural Lands Protection Act 1998*.

## **Schedule 6 Savings, transitional and other provisions**

**Schedule 6** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

## **Schedule 7 Amendment of Acts and regulations**

**Schedule 7** amends the Acts and regulations specified in the Schedule.

## **Schedule 8 Amendment of water sharing plans**

**Schedule 8** amends the water sharing plans specified in the Schedule.

## **Schedule 9 Local Land Services Regulation 2014**

**Schedule 9** contains the proposed *Local Land Services Regulation 2014*. The proposed regulation deals with the following:

- (a) rates (Part 2),
- (b) annual returns (Part 3),
- (c) catchment contributions (Part 4),
- (d) travelling stock reserves and public roads (Part 5),
- (e) stock watering places (Part 6),
- (f) the impounding of unattended and trespassing stock and abandoned articles (Part 7),
- (g) the transportation of stock by vehicle (Part 8),
- (h) pests (Part 9),
- (i) the powers of authorised officers (Part 10),
- (j) the election and appointment of members of local boards (Part 11 and Schedule 1),
- (k) stock identification (Part 12),
- (l) the prescription of penalty notice offences and the corresponding penalty notice amounts (Schedule 2),
- (m) matters of a machinery or miscellaneous nature (Parts 1 and 13).

The proposed regulation contains provisions that substantially mirror provisions contained in Part 7 of the *Rural Lands Protection Act 1998*, Parts 3–10 of the *Rural Lands Protection Regulation 2010* and Parts 2–4 of the *Catchment Management Authorities (Hunter Central Rivers) Regulation 2010*.

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## Dictionary

The **Dictionary** to the proposed Act defines certain terms and expressions used in the Act.

## Table of concordance

**Note.** The repealed Acts and regulations referred to in the following Table are:

- (a) the *Rural Lands Protection Act 1998 (RLPA)*,
- (b) the *Rural Lands Protection Regulation 2010 (RLPR)*,
- (c) the *Catchment Management Authorities Act 2003 (CMAA)*,
- (d) the *Catchment Management Authorities (Hunter Central Rivers) Regulation 2010 (CMA(HCR)R)*.

### Part 1 Proposed Local Land Services Act 2013

Column 1	Column 2
Provisions of the proposed Act	Corresponding provisions of repealed Acts and regulations
Secs 1–5	—
Secs 6 and 7	Sec 5 RLPA
Secs 8–14	—
Sec 15	Sec 13 RLPA
Secs 16–18	Sec 241 RLPA
Secs 19 and 20	Sec 30 RLPA
Sec 20	—
Sec 21	Sec 32 RLPA
Sec 22	Sec 32 CMAA
Sec 23	Sec 36 RLPA
Sec 24	Sec 34 RLPA
Secs 25–33	—
Secs 34 and 35	Secs 57B and 57C RLPA
Secs 36–43	—
Sec 44	Sec 26 CMAA
Secs 45 and 46	—
Secs 47–54	Secs 20–26 CMAA
Sec 55	Sec 8 RLPA
Sec 56	Sec 60 RLPA



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<b>Column 1</b>	<b>Column 2</b>
<b>Provisions of the proposed Act</b>	<b>Corresponding provisions of repealed Acts and regulations</b>
Sec 57	Secs 61 and 62 RLPA and Schedule 4 CMAA
Secs 58–60	Secs 76–78 RLPA
Secs 61–105 (Part 6)	Secs 84–128 RLPA (Part 8)
Secs 106–113 (Part 7)	Secs 129–136 RLPA (Part 9)
Secs 114–117 (Part 8)	Secs 137–140 RLPA (Part 10)
Secs 118–127 (Part 9)	Secs 140A–140J RLPA (Part 10A)
Secs 128–163 (Part 10)	Secs 141–181 RLPA (Part 11)
Secs 164–181 (Part 11)	Secs 182–199 RLPA (Part 12)
Secs 182–197 (Part 12)	Secs 200–214A RLPA (Part 13)
Secs 198–200 (Part 13)	Secs 215–218 and 228 RLPA
Sec 201	Sec 35 CMAA
Sec 202	Sec 36 CMAA
Sec 203	Sec 36 RLPA
Sec 204	Sec 237 RLPA
Sec 205	Sec 238 RLPA
Sec 206	Sec 243 RLPA and sec 40 CMAA
Sec 207	Sec 242 RLPA
Sec 208	Sec 244 RLPA
Secs 209–211	—
Schedule 1	—
Schedule 2	Schedule 1 RLPA
Schedule 3	Schedule 4 RLPA
Schedule 4	Schedule 3 RLPA
Schedule 5	Schedule 5 RLPA
Schedule 6	Schedule 7 RLPA
Schedules 7 and 8	—
Schedule 9	—
Dictionary	Dictionary RLPA

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**Part 2 Proposed Local Land Services Regulation 2014**

<b>Column 1</b>	<b>Column 2</b>
<b>Provisions of the proposed Regulation set out in Schedule 9 to Act</b>	<b>Corresponding provisions of repealed Acts and regulations</b>
CII 1–3 (1), (2) and (4)	CI 1–3 RLPR
CI 3 (3)	Sec 59 RLPA
CII 6 and 7	Secs 7 and 8 RLPA
CII 8–13	Secs 63–68 RLPA
CI 14	CI 9 RLPR
CI 15	CI 17 RLPR
CI 16	Sec 69 RLPA
CI 17	CI 10 RLPR
CII 18–22	CII 70–74 RLPR
CI 23	Sec 75 RLPA
CI 24	Sec 81 RLPA
CI 25	Sec 79 RLPA
CII 26 and 27	Secs 82 and 83 RLPA
CII 28–30	CII 11, 13, and 16 RLPR
CI 31	CI 1 Schedule 4 CMAA
CI 32	CI 3 (1) Schedule 4 CMAA
CI 33	CI 2 Schedule 4 CMAA and cl 4 CMA(HCR)R
CI 34	CI 3 (2) Schedule 4 CMAA
CI 35	CI 5 Schedule 4 CMAA
CI 36	CI 5 CMA(HCR)R
CI 37	CI 6 Schedule 4 CMAA and cl 6 CMA(HCR)R
CI 38	CI 7 Schedule 4 CMAA and cl 7 CMA(HCR)R
CI 39	CI 8 Schedule 4 CMAA
CI 40	CI 9 Schedule 4 CMAA and cl 14 CMA(HCR)R
CI 41	CI 10 Schedule 4 CMAA

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<b>Column 1</b>	<b>Column 2</b>
<b>Provisions of the proposed Regulation set out in Schedule 9 to Act</b>	<b>Corresponding provisions of repealed Acts and regulations</b>
CI 42	CI 11 Schedule 4 CMAA and cl 15 CMA(HCR)R
CI 43	CI 12 Schedule 4 CMAA
CI 44	CI 12 (3) Schedule 4 CMAA and cl 16 CMA(HCR)R
CII 45–50	CI 8–13 CMA(HCR)R
CII 51–77 (Part 5)	CII 18–44 RLPR (Part 4)
CII 78–80 (Part 6)	CII 45–47 RLPR (Part 5)
CI 81 (Part 7)	CI 48 RLPR (Part 6)
CII 82–84 (Part 8)	CII 49–51 RLPR (Part 7)
CI 85 and 86 (Part 9)	CI 52 RLPR (Part 8) and sec 145 RLPA
CII 87 and 88 (Part 10)	CII 53 and 54 RLPR (Part 9)
CII 89–95 (Part 11)	—
CII 96–98 (Part 12)	CII 55–57 RLPR (Part 10)
CI 99–104	CII 58, 59 and 61–64 RLPR
Schedule 1	Schedule 1 RLPR
Schedule 2	Schedule 4 RLPR