



Rural Lands Protection Amendment Bill.

Second Reading

The Hon. IAN MACDONALD (Minister for Agriculture and Fisheries) [3.12 p.m.]: I move:

That this bill be now read a second time.

The Rural Lands Protection Act 1998 commenced in 2001. It replaced an Act of the same name that was passed in 1989. The new Act introduced some significant changes in the operation of the rural lands protection board system. One of the main changes is the creation of a statutory body, the State Council, which provides the 48 rural lands protection boards across the State with centralised services and representation at all levels of government. In September last year the first general election of directors of the 48 rural lands protection boards was held under the new Act. Changes in the election process were implemented to gain a greater representation amongst board directors of the different cross-sections of board ratepayers. In particular, NSW Agriculture and the Department for Women worked together to encourage women to stand for election to the boards by mailing out information and conducting a media campaign. When I was in Orange recently I met some female board members.

Each board consists of eight directors, except for the Central Tablelands board, which has nine. Under the former Rural Lands Protection Act 1989, the person who lodged the annual land and stock return was the person who was entitled to be nominated to stand for election as a director. Historically, it has usually been the male in a family unit who has lodged the annual return, and therefore predominantly males have stood for election as directors of rural lands protection boards. In addition, under the old Act, in order to qualify to stand for election as a director a person had to reside in the district. This disadvantaged many of the owners of land who resided elsewhere. The new Act gives each holding in a board district two votes, recognising that many family farms are held jointly by spouses or business partners. Furthermore, the automatic enrolment of the person who lodges the annual return of land and stock was abolished. In addition, it is now necessary that the person standing for election as a director only be an occupier or owner of rateable land within the relevant electoral division of the board's district, rather than a resident.

Attention is being paid to the needs of "minimum ratepayers". These persons are holders of land that consists of the smallest area or carrying capacity to which the rating provisions apply. They were encouraged to stand for election as directors and their concerns regarding the services that they receive from boards are being addressed through a national competition policy review of the Rural Lands Protection Act 1998 that is to be conducted. The newly elected directors took office in their respective rural lands protection boards for four-year terms commencing on 1 October 2002. A record number of women were elected, increasing the number of female directors across the State to 14 per cent, which is a significant increase from the results of the previous general election of directors held in 1997, when female directors represented only 6 per cent of the total number of directors.

In addition, there has been an increase in the number of persons who are minimum ratepayers who were elected as board directors. Ten persons who pay only the minimum rate were elected as directors of boards situated in the coastal area of the State. This is an important improvement as 73 per cent of the ratepayers of coastal boards pay only the minimum rate. There is a growing trend towards subdivision of agricultural land, particularly around the larger towns and cities of the coastal region. This is creating larger numbers of minimum ratepayers who have an interest in board issues, such as feral animal control and animal health.

Another measure in the bill will enable the State Council to conduct postal ballots of boards in respect of urgent issues that need resolving between annual conferences of boards. The State Council is responsible for the implementation by the boards of the general policies for the protection of rural lands and the operation of boards that are determined from time to time at State conferences. An annual State conference of boards takes place in June. All the boards are represented and can vote on motions moved at the conference. The purpose of the conference is to determine general policies to be implemented by boards and to determine primary policies to guide the State Council in carrying out its functions. The State conference also must determine the annual budget of the State Council. The State Council must then operate for the following 12 months to implement these resolutions. However, if an urgent matter arises or if the State Council needs clarification or additional guidance regarding a resolution, at present there is no mechanism by which it can convene an urgent meeting of the State conference. The bill provides that the State Council may conduct a postal ballot of boards in order to resolve urgent issues.

Another issue that has been of concern to boards is a need for clarification regarding their power to recover outstanding rates left owing by an outgoing tenant or owner of land. The Act needs to state clearly that the current owner always remains liable for the rates left owing by an outgoing owner or tenant. Any person is entitled to apply under the Act to a board for a certificate that sets out the amount of any outstanding rates, charges or other amounts owing in respect of a particular parcel of land. This means that an incoming owner, or an owner whose tenant is about to vacate the land, can find out easily whether there are any charges owing to the board and can negotiate with the outgoing tenant or vendor of the land for the settlement of the outstanding amount. Generally vendors and purchasers of land and landlords and tenants have access to good information about each other and therefore may have a better opportunity than a board to enforce outstanding debts.

The Act also creates a strong incentive for outgoing owners and occupiers to settle debts relating to the land. Section 68 maintains the right of an owner or occupier who pays the rates left owing by someone else to recover the amount from that person. This provision mirrors the law under the Local Government Act with respect to rates owing at the time that a vendor of land sells to the purchaser. This bill will also allow flexibility to boards in setting fees for the use of travelling stock reserves and public roads for grazing and walking stock. There has been a significant increase in the numbers of stock using travelling stock reserves and public roads since the onset of the drought. This has focused attention on this valuable Crown land and its importance for emergency grazing and movement of stock in times of drought and other natural disasters. It has also highlighted the environmental value of travelling stock reserves that have been efficiently managed by rural lands protection boards for the past 120 years.

At present the Act requires that a board must charge a drover the exact fee that is set by the regulation for a permit to use a travelling stock reserve or public road. The proposed amendment will enable the boards to set a fee that is lower than the maximum amount set in the regulation. A board will not be able to arbitrarily set lower amounts. The fees must be based on classifications relating to situations that apply, or to the types of travelling stock reserves being grazed. For example, a different fee could apply to all travelling stock reserves within a particular division of the board's district, or to the grazing of stock in good seasons when traditional use of the reserves is low. The fees must be displayed in a conspicuous place in the board's office. The quality of feed available on roadsides and travelling stock reserves will vary greatly depending on circumstances such as the amount of grazing that has occurred previously on this land or the weather conditions. Boards may therefore want to vary the fees they charge in accordance with the conditions.

The bill also clarifies the situation with regard to the recovery of money from boards for work that is undertaken to eradicate insects such as plague locusts from the land by the Australian Plague Locust Commission. The Australian Plague Locust Commission has been extraordinarily effective in controlling locust plagues since its establishment in 1974, to which the Deputy Leader of the Opposition would surely attest. I pay an annual contribution to this commission to support its work.

Under section 174 of the Rural Lands Protection Act 1998 I can recoup from the boards a contribution to the cost of any action taken in eradicating insect pests. It is clear that insect pests such as plague locusts can impact on vast areas of land in a short space of time, leaving destroyed crops and pasture and native vegetation in their wake.

The Hon. Duncan Gay: What about national parks? Can you also get a levy back from them?

The Hon. IAN MACDONALD: That is in another department. The swift eradication of a plague in one board's district is of great benefit to all of the boards into whose district the plague may have otherwise travelled. It is therefore equitable that all boards whose district may play host to such insects should contribute to the cost of any eradication procedures carried out in the State. The amendment proposed to be made to section 174 will make it clear that I can recover the eradication costs for action taken in a board district within the State from any or all of the other boards. Under section 207 of the Act, all proceeds of penalties payable under penalty notices imposed for offences committed under the Act are payable to the board in whose district the offence took place. Where police officers issue penalty notices under the Act, it is difficult for them to easily ascertain in which of the 48 rural lands protection board districts the offence has occurred. In addition, the Infringement Processing Bureau requires a separate code to be written onto a penalty notice to designate the board district to which payment of the proceeds must be made.

This adds to the complexity of the administrative process. Rather than have 48 different Infringement Processing Bureau codes, it is proposed that any penalty payable under a penalty notice issued by a police officer under the Act is to be paid to the State Council. Once the State Council receives the penalty notice proceeds, it is to be distributed across all boards by reducing the amount that each board must pay annually to the State Council. The State Council is to calculate the total amount it receives from the proceeds of all penalties paid from penalty notices issued by the police under the Rural Lands Protection Act over the year. The benefit that each board receives by way of a reduction to its annual contribution to the State Council is to be calculated on the same basis that its contribution to the State Council's budget is calculated. This will ensure an equitable distribution of the benefit from these penalties across the State.

Finally, the bill makes certain amendments to the election process, concerning information to be contained on the elector's roll, the appointment of persons to fill casual vacancies that occur during any postponement of a general election and the removal of a requirement that the authorised officer of a board must choose persons to be enrolled for a holding where the ratepayers for that holding have failed to make the election themselves. These amendments are designed to assist the boards to run more efficiently and thereby provide a better service for their ratepayers in the management of travelling stock reserves and stock watering places, eradication of vertebrate and insect pests and the provision of animal health services. I note that the system of 48 rural lands protection boards, situated as they are across the State, provide a vital animal disease surveillance role. This is important in the maintenance of Australia's livestock export markets.

To assist in the efficiency of their operations I note that the Government has recently committed \$3.5 million over three years to upgrade the information technology systems used by the boards. This will assist them with their efficiency in recording, reporting and communication, with consequent savings to ratepayers as well as the wider community. The value of their computer system has already been highlighted by the processing of drought claims where 15,579 claims from 5,072 ratepayers have already been paid out, providing \$16.1 million into the drought stricken community as at 24 April 2003. With regard to the current drought the boards have been instrumental in expediting the exceptional circumstance application process. Exceptional circumstances are declared on board districts in New South Wales.

So far during the current drought, all board districts have applied to the Commonwealth for exceptional circumstances assistance. Once these declarations are made, primary producers within those districts are eligible to apply for income support from Centrelink and business support from the New South Wales Rural Assistance Authority under the program. To date, 69.7 per cent of New South Wales has been declared for exceptional circumstances assistance measures and a further 27.8 per cent of the State's area has applications for such a declaration pending, although some negative decisions have been made. It is evident that although some parts of coastal and north eastern New South Wales have received good rainfall, the drought is far from over with critical conditions prevailing in the south and west of the State. The adverse effects of the drought will be felt for many years to come by householders, rural communities and the economy. I commend this bill to the House.

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