

WILD DOG DESTRUCTION (AMENDMENT) BILL 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Wild Dog Destruction Act 1921 with respect to—

- (a) the constitution of the Wild Dog Destruction Board;
 - (b) the payment of rates imposed under the Principal Act;
 - (c) the subsidy payable from the Consolidated Fund to the Wild Dog Destruction Fund;
 - (d) the penalties for offences against the Principal Act;
 - (e) the definition of the border fences maintained by the board; and
 - (f) the definition of the scalp of a wild dog.
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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with a specified exception, commence on the date of assent to the Act.

Clause 3 defines the Principal Act.

Clause 4 describes the Schedules to the proposed Act.

Clause 5 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Clause 6 is a formal provision that gives effect to the Schedule of savings and transitional provisions.

Schedule 1 (1) makes an amendment by way of statute law revision.

Schedule 1 (2) (a) and (c) amend the definitions of "Queensland Border Fence" and "South Australian Border Fence", respectively, in section 3 of the Principal Act to permit a reduction in the length of the border fences maintained by the Wild Dog Destruction Board.

Schedule 1 (2) (b) substitutes the definition of "Scalp" in section 3 of the Principal Act. The board pays for scalps at a rate determined under section 21 of the Principal Act.

Schedule 1 (3) increases the membership of the board from 5 to 6 members by providing for the appointment to the board of a person nominated by the Western Division Council of the Livestock and Grain Producers' Association of New South Wales.

Schedule 1 (4) and (5) make amendments consequent on the amendment relating to membership of the board.

Schedule 1 (6) makes an amendment by way of statute law revision.

Schedule 1 (7) increases the maximum fine for failure to comply with a notice served by the board requiring an owner or occupier to take specified steps to destroy wild dogs from \$100 to \$1,000.

Schedule 1 (8) and (9) make it clear that a rate is imposed in respect of any land for the period of a year commencing 1 January.

Schedule 1 (10) inserts a new section 12A into the Principal Act. The proposed section provides for the imposition of an additional charge in respect of rates not paid within 12 months of the date on which they are due.

Schedule 1 (11) inserts a new section 13 into the Principal Act. The proposed section provides for the recording of rate particulars by mechanical, electronic or other means or in a manner approved by the Minister.

Schedule 1 (12) makes it clear that a rate imposed in respect of a year commencing 1 January is due and payable at a date specified in a notice given to the person liable to pay the rate.

Schedule 1 (13) makes an amendment consequent on the insertion of the proposed new section 13.

Schedule 1 (14) provides for an increase in the amount of the annual subsidy payable under section 18 of the Principal Act. The amount payable is to be determined by the Treasurer. It is proposed that the minimum amount payable shall be \$100,000 and the maximum amount payable shall be the amount of rates collected under the Principal Act in the preceding year.

Schedule 1 (15) empowers the board to invest money from the Wild Dog Destruction Fund with a bank or the New South Wales Treasury Corporation.

Schedule 1 (16) (a) makes an amendment by way of statute law revision.

Schedule 1 (16) (b) and (c) enable the Wild Dog Destruction Fund to be used by the board for expenditure incurred in the control or eradication of wild dogs in the Western Division.

Schedule 1 (17), (18) and (20) increase the maximum penalty for an offence against sections 25, 26 and 28, respectively, of the Principal Act from \$100 to \$1,000.

Schedule 1 (17), (19) and (21) (a) provide that a person shall no longer be liable to be imprisoned for an offence against sections 25, 27 and 29 (1), respectively, of the Principal Act.

Schedule 1 (19) and (21) (b) increase the maximum penalty for an offence against sections 27 and 29, respectively, of the Principal Act from \$200 to \$1,000.

Schedule 1 (22) makes an amendment by way of statute law revision.

Schedule 2 contains savings and transitional provisions.



WILD DOG DESTRUCTION (AMENDMENT) BILL 1985

No. , 1985

A BILL FOR

An Act to amend the Wild Dog Destruction Act 1921 to make further provision with respect to the constitution of the Wild Dog Destruction Board and rates and subsidies, and in other respects.

Wild Dog Destruction (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Wild Dog Destruction (Amendment) Act 1985".

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on
10 the date of assent to this Act.

(2) Schedule 1 (3), and section 5 in its application to that provision, shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

15 3. The Wild Dog Destruction Act 1921 is referred to in this Act as the Principal Act.

Schedules

4. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT

20 SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

Amendment of Act No. 17, 1921

5. The Principal Act is amended in the manner set forth in Schedule 1.

Savings and transitional provisions

6. Schedule 2 has effect.

Wild Dog Destruction (Amendment) 1985

- (1) Section 1A—
 Omit the section.
- (2) (a) Section 3, definition of “Queensland Border Fence”—
 5 After “Hungerford”, insert “, other than such portion of the fence as may, from time to time, be determined by the board and notified in the Gazette”.
- (b) Section 3, definition of “Scalp”—
 Omit the definition, insert instead:
 “Scalp” means—
 10 (a) a portion of the skin of a wild dog from the point of the nose to the tip of the tail including both ears;
 or
 (b) such other portion of the skin as may, from time to time, be determined by the board and notified
 15 in the Gazette.
- (c) Section 3, definition of “South Australian Border Fence”—
 After “southerly”, insert “, other than such portion of the fence as may, from time to time, be determined by the board and notified in the Gazette”.
- 20 (3) (a) Section 3A (3)—
 Omit “five”, insert instead “6”.
- (b) Section 3A (5) (e)—
 After section 3A (5) (d), insert:
 25 (e) one shall be appointed on the nomination of the Western Division Council of the Livestock and Grain Producers’ Association of New South Wales.
- (c) Section 3A (8)—
 After “the association”, insert “or council”.
- (d) Section 3A (8)—
 30 Omit “or association”, insert instead “, association or council”.

*Wild Dog Destruction (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(e) Section 3A (8)—

Omit “association or” wherever occurring, insert instead “association, council or”.

(4) Section 3B—

5 Omit “or association”, insert instead “, association, council”.

(5) Sections 3B, 3C (2) (a), 3D—

After “, association” wherever occurring, insert “, council”.

(6) Section 3D—

10 Omit “subsection (8) of section 3A”, insert instead “section 3A (8)”.

(7) Section 8 (1)—

Omit “one hundred dollars”, insert instead “\$1,000”.

(8) Section 11A—

Before section 12, insert:

15 **Interpretation**

11A. In this Division—

“year” means year commencing 1 January.

(9) Section 12 (1)—

After “rate”, insert “for that year”.

20 (10) Section 12A—

After section 12, insert:

Overdue rates

12A. (1) Overdue rates shall be increased in accordance with this section.

*Wild Dog Destruction (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

5 (2) Where payment of the whole or any part of a rate imposed in respect of any land, in the year commencing 1 January 1986, or in a subsequent year, has not been made at the expiration of 12 months from the date when the rate was due and payable to and recoverable by the board, the amount due shall be increased by a sum calculated at the prescribed rate per cent per annum and the increase shall be deemed to be part of the rate.

10 (3) The calculation under subsection (2) shall be made in respect only of as many complete months as have expired between the due date and the date of payment, excluding any remaining portion of a month.

(4) If in any case the percentage is less than 10 cents, the increase shall be 10 cents.

15 (5) This section shall continue to apply to all unpaid rates notwithstanding that judgment may have been obtained in any court.

(11) Section 13—

Omit the section, insert instead:

Record of rates

20 13. (1) Particulars of the rate payable by any person shall be kept in a register.

(2) The register may be kept—

(a) by recording or storing the particulars by means of a mechanical, an electronic or other device; or

25 (b) in any other manner approved by the Minister.

(3) The register kept under this section shall be available for inspection—

(a) in written form; or

30 (b) in the form of a document containing a clear reproduction in whole or in part of the particulars recorded,

at all reasonable times.

*Wild Dog Destruction (Amendment) 1985*SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(4) A writing that purports to reproduce the particulars of the rate payable by any person recorded or stored by means of a mechanical, an electronic or other device shall—

- 5 (a) be deemed, in the absence of evidence to the contrary, to be a reproduction of those particulars; and
- (b) be evidence of the amount of the rate payable by the person.

(12) Section 14—

Omit the section, insert instead:

10 **Payment of rates**

14. (1) A notice, in or to the effect of the prescribed form, of—

- 15 (a) the amount of the rate imposed in respect of any land; and
- (b) the date on which the rate is due and payable to and recoverable by the board,

shall be given to the person liable to pay the rate.

(2) A rate is due and payable to and recoverable by the board—

- 20 (a) on a date specified in a notice given under this section; or
- (b) at the expiration of 28 days after the notice is given, whichever is the later.

(3) The amount specified in a notice given under this section is payable to such person or bank as is specified in the notice.

- 25 (4) Notwithstanding subsection (2), the amount of any rate due may, if the board so directs, be paid by instalments.

(13) Section 16—

Omit “rate-book”, insert instead “register kept under section 13”.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(14) Section 18—

Omit the section, insert instead:

Payment of subsidy

5 18. Commencing in the year 1986, in each year there shall be paid from the Consolidated Fund to the Wild Dog Destruction Fund, without further appropriation than this Act—

- 10 (a) a sum, determined by the Treasurer, that does not exceed the total amount of rates collected under this Act during the preceding year; or
- (b) the sum of \$100,000,
whichever is the greater.

(15) Section 19 (5)—

After section 19 (4), insert:

15 (5) The board may deposit money from the fund for investment with—

- (a) a bank; or
- (b) without affecting the operation of the Treasury Corporation Act 1983, the New South Wales Treasury Corporation.

20 (16) (a) Section 20 (b)—

Omit “subsection (15) of section 3A”, insert instead “section 3A (15)”.

(b) Section 20 (e)—

Omit “and”.

25 (c) Section 20 (e1)—

After section 20 (e), insert:

- (e1) the expenditure incurred in the control or eradication of wild dogs in the Western Division; and

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(17) Section 25—

5 Omit “shall be liable to a penalty not exceeding one hundred dollars, or to be imprisoned for any period not exceeding two months”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

(18) Section 26—

Omit “, shall be liable to a penalty not exceeding one hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

10 (19) Section 27—

Omit “shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

15 (20) Section 28—

Omit “shall be liable to a penalty not exceeding one hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

(21) (a) Section 29 (1)—

20 Omit “an authorised person, shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any period not exceeding six months”, insert instead “, an authorised person is guilty of an
25 offence and liable on conviction to a penalty not exceeding \$1,000”.

(b) Section 29 (2)—

Omit “shall be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*
 AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(22) Section 30—

Omit the section, insert instead:

Proceedings for offences

5 30. Proceedings for an offence against this Act or the regulations made under this Act shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

SCHEDULE 2

(Sec. 6)

SAVINGS AND TRANSITIONAL PROVISIONS

10 **Reconstitution of board**

1. (1) In this clause—

“appointed day” means the day appointed and notified under section 2 (2);

“board” means the Wild Dog Destruction Board.

15 (2) The persons holding office as members of the board under the Principal Act immediately before the appointed day shall be deemed to have been appointed under the Principal Act, as amended by this Act.

20 (3) For the purpose only of enabling the board to be constituted in accordance with the Principal Act, as amended by this Act, on or after (but not before) the appointed day, a member may be appointed and any other act, matter or thing may be done before the appointed day, as if the whole of this Act commenced on the date of assent to this Act.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 2—*continued*

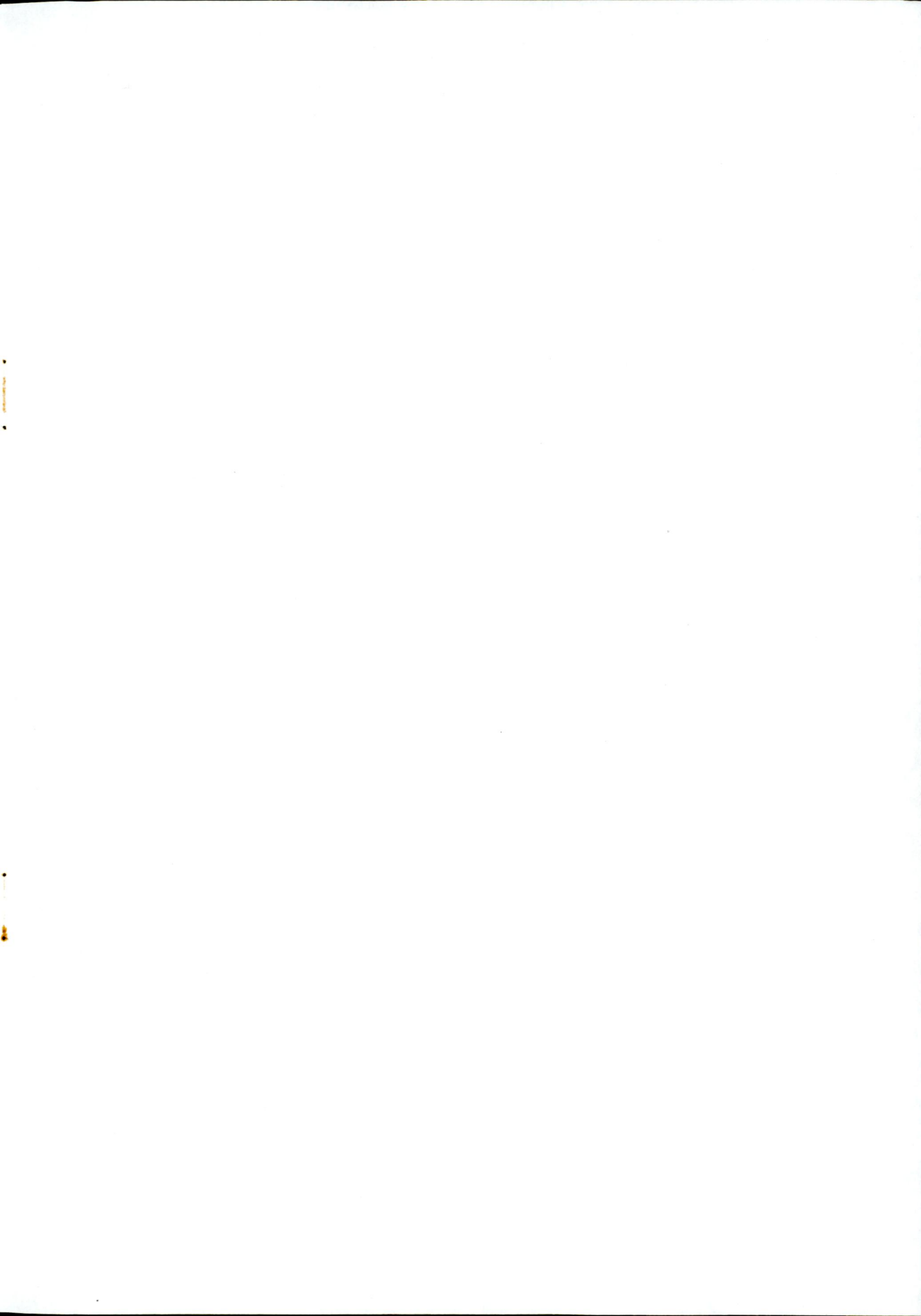
SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

Notices of rates

2. A notice prescribed or given under the Principal Act before the commencement of this Act shall be deemed to have been prescribed or given under the Principal Act, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985



WILD DOG DESTRUCTION (AMENDMENT) ACT 1985 No. 195

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 195, 1985

An Act to amend the Wild Dog Destruction Act 1921 to make further provision with respect to the constitution of the Wild Dog Destruction Board and rates and subsidies, and in other respects. [Assented to, 10th December, 1985.]

Wild Dog Destruction (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Wild Dog Destruction (Amendment) Act 1985".

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1 (3), and section 5 in its application to that provision, shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

3. The Wild Dog Destruction Act 1921 is referred to in this Act as the Principal Act.

Schedules

4. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS

Amendment of Act No. 17, 1921

5. The Principal Act is amended in the manner set forth in Schedule 1.

Savings and transitional provisions

6. Schedule 2 has effect.

SCHEDULE 1
AMENDMENTS TO THE PRINCIPAL ACT

(Sec. 5)

Wild Dog Destruction (Amendment) 1985

(1) Section 1A—

Omit the section.

(2) (a) Section 3, definition of “Queensland Border Fence”—

After “Hungerford”, insert “, other than such portion of the fence as may, from time to time, be determined by the board and notified in the Gazette”.

(b) Section 3, definition of “Scalp”—

Omit the definition, insert instead:

“Scalp” means—

(a) a portion of the skin of a wild dog from the point of the nose to the tip of the tail including both ears; or

(b) such other portion of the skin as may, from time to time, be determined by the board and notified in the Gazette.

(c) Section 3, definition of “South Australian Border Fence”—

After “southerly”, insert “, other than such portion of the fence as may, from time to time, be determined by the board and notified in the Gazette”.

(3) (a) Section 3A (3)—

Omit “five”, insert instead “6”.

(b) Section 3A (5) (e)—

After section 3A (5) (d), insert:

(e) one shall be appointed on the nomination of the Western Division Council of the Livestock and Grain Producers' Association of New South Wales.

(c) Section 3A (8)—

After “the association”, insert “or council”.

(d) Section 3A (8)—

Omit “or association”, insert instead “, association or council”.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

- (e) Section 3A (8)—
Omit “association or” wherever occurring, insert instead “association, council or”.
- (4) Section 3B—
Omit “or association”, insert instead “, association, council”.
- (5) Sections 3B, 3C (2) (a), 3D—
After “, association” wherever occurring, insert “, council”.
- (6) Section 3D—
Omit “subsection (8) of section 3A”, insert instead “section 3A (8)”.
- (7) Section 8 (1)—
Omit “one hundred dollars”, insert instead “\$1,000”.
- (8) Section 11A—
Before section 12, insert:
Interpretation
11A. In this Division—
“year” means year commencing 1 January.
- (9) Section 12 (1)—
After “rate”, insert “for that year”.
- (10) Section 12A—
After section 12, insert:
Overdue rates
12A. (1) Overdue rates shall be increased in accordance with this section.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(2) Where payment of the whole or any part of a rate imposed in respect of any land, in the year commencing 1 January 1986, or in a subsequent year, has not been made at the expiration of 12 months from the date when the rate was due and payable to and recoverable by the board, the amount due shall be increased by a sum calculated at the prescribed rate per cent per annum and the increase shall be deemed to be part of the rate.

(3) The calculation under subsection (2) shall be made in respect only of as many complete months as have expired between the due date and the date of payment, excluding any remaining portion of a month.

(4) If in any case the percentage is less than 10 cents, the increase shall be 10 cents.

(5) This section shall continue to apply to all unpaid rates notwithstanding that judgment may have been obtained in any court.

(11) Section 13—

Omit the section, insert instead:

Record of rates

13. (1) Particulars of the rate payable by any person shall be kept in a register.

(2) The register may be kept—

(a) by recording or storing the particulars by means of a mechanical, an electronic or other device; or

(b) in any other manner approved by the Minister.

(3) The register kept under this section shall be available for inspection—

(a) in written form; or

(b) in the form of a document containing a clear reproduction in whole or in part of the particulars recorded,

at all reasonable times.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(4) A writing that purports to reproduce the particulars of the rate payable by any person recorded or stored by means of a mechanical, an electronic or other device shall—

- (a) be deemed, in the absence of evidence to the contrary, to be a reproduction of those particulars; and
- (b) be evidence of the amount of the rate payable by the person.

(12) Section 14—

Omit the section, insert instead:

Payment of rates

14. (1) A notice, in or to the effect of the prescribed form, of—

- (a) the amount of the rate imposed in respect of any land; and
- (b) the date on which the rate is due and payable to and recoverable by the board,

shall be given to the person liable to pay the rate.

(2) A rate is due and payable to and recoverable by the board—

- (a) on a date specified in a notice given under this section; or
- (b) at the expiration of 28 days after the notice is given,

whichever is the later.

(3) The amount specified in a notice given under this section is payable to such person or bank as is specified in the notice.

(4) Notwithstanding subsection (2), the amount of any rate due may, if the board so directs, be paid by instalments.

(13) Section 16—

Omit “rate-book”, insert instead “register kept under section 13”.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(14) Section 18—

Omit the section, insert instead:

Payment of subsidy

18. Commencing in the year 1986, in each year there shall be paid from the Consolidated Fund to the Wild Dog Destruction Fund, without further appropriation than this Act—

(a) a sum, determined by the Treasurer, that does not exceed the total amount of rates collected under this Act during the preceding year; or

(b) the sum of \$100,000,

whichever is the greater.

(15) Section 19 (5)—

After section 19 (4), insert:

(5) The board may deposit money from the fund for investment with—

(a) a bank; or

(b) without affecting the operation of the Treasury Corporation Act 1983, the New South Wales Treasury Corporation.

(16) (a) Section 20 (b)—

Omit “subsection (15) of section 3A”, insert instead “section 3A (15)”.

(b) Section 20 (e)—

Omit “and”.

(c) Section 20 (e1)—

After section 20 (e), insert:

(e1) the expenditure incurred in the control or eradication of wild dogs in the Western Division; and

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(17) Section 25—

Omit “shall be liable to a penalty not exceeding one hundred dollars, or to be imprisoned for any period not exceeding two months”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

(18) Section 26—

Omit “, shall be liable to a penalty not exceeding one hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

(19) Section 27—

Omit “shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

(20) Section 28—

Omit “shall be liable to a penalty not exceeding one hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

(21) (a) Section 29 (1)—

Omit “an authorised person, shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any period not exceeding six months”, insert instead “, an authorised person is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

(b) Section 29 (2)—

Omit “shall be liable to a penalty not exceeding two hundred dollars”, insert instead “is guilty of an offence and liable on conviction to a penalty not exceeding \$1,000”.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(22) Section 30—

Omit the section, insert instead:

Proceedings for offences

30. Proceedings for an offence against this Act or the regulations made under this Act shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

SCHEDULE 2

(Sec. 6)

SAVINGS AND TRANSITIONAL PROVISIONS

Reconstitution of board

1. (1) In this clause—

“appointed day” means the day appointed and notified under section 2 (2);

“board” means the Wild Dog Destruction Board.

(2) The persons holding office as members of the board under the Principal Act immediately before the appointed day shall be deemed to have been appointed under the Principal Act, as amended by this Act.

(3) For the purpose only of enabling the board to be constituted in accordance with the Principal Act, as amended by this Act, on or after (but not before) the appointed day, a member may be appointed and any other act, matter or thing may be done before the appointed day, as if the whole of this Act commenced on the date of assent to this Act.

Wild Dog Destruction (Amendment) 1985

SCHEDULE 2—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

Notices of rates

2. A notice prescribed or given under the Principal Act before the commencement of this Act shall be deemed to have been prescribed or given under the Principal Act, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985



