

FIRST PRINT

RURAL LANDS PROTECTION (AMENDMENT) BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are to allow dingos to be kept in captivity and to provide that the conditions under which certain animals classified as "noxious" are allowed to be kept in captivity may only be prescribed by regulations.

The Bill amends the Rural Lands Protection Act 1989:

- (a) to redefine the status of the dingo (also known as the "native dog") as a defined "wild dog" for the purposes of that Act; and
- (b) to remove the dingo (in captivity) from the "noxious animal" category for the purposes of that Act; and
- (c) to require any conditions subject to which a permission under that Act is obtained for the keeping of noxious animals to be prescribed by regulations.

The Bill also amends the Wild Dog Destruction Act 1921 so as to redefine the dingo's status in a similar manner.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to Schedule 1, which contains amendments to the Rural Lands Protection Act 1989.

Clause 4 is a formal provision that gives effect to Schedule 2, which contains an amendment to the Wild Dog Destruction Act 1921.

Clause 5 is a saving (for the duration of the permission) of conditions that, before the commencement of the proposed Act, were attached to a Ministerial permission to keep animals classified as "noxious animals" for the purposes of the Rural Lands Protection Act 1921.

Rural Lands Protection (Amendment) 1992

SCHEDULES 1 AND 2—AMENDMENTS

The dingo as a “wild dog”

The Rural Lands Protection Act 1989 makes administrative provision for the suppression and destruction of wild dogs. For example, it provides for the establishment and maintenance by rural lands protection boards of Wild Dog Destruction Funds (section 32) and for the conduct of campaigns of suppression and destruction (section 138). At present the dingo is by definition a “wild dog” for the purposes of the Act, whether or not in captivity.

The Wild Dog Destruction Act 1921 requires an owner or occupier of land to destroy all wild dogs on his or her property, and a dingo is currently by definition a wild dog for the purposes of that Act.

The amendment made by Schedule 1 (1) (a) is designed to place the dingo on a similar footing to other dogs with respect to their “wild” character. The result will be that, for the purposes of the Rural Lands Protection Act 1989, a “wild dog” is a dog (other than a dingo) that is or has become wild, or a dingo in the wild.

Schedule 2 amends the Wild Dog Destruction Act 1921 in a manner that reflects the amendment to the Rural Lands Protection Act 1989 made by Schedule 1 (1) (a).

The dingo as a “noxious animal”

Under the Rural Lands Protection Act 1989, rabbits, wild dogs and feral pigs are classified as “noxious animals”. In addition, the Minister administering that Act has power to declare other species to be “noxious”. The Act contains provisions for the destruction and suppression of noxious animals, which cannot be kept without permission from the Minister. The amendment made by Schedule 1 (1) (b) prevents the Minister from declaring the dingo to be a noxious animal on a “whole species” basis.

Conditions on keeping noxious animals

Section 131 of the Rural Lands Protection Act 1989 enables the Minister to grant permission to a person to keep a noxious animal. The permission is subject to any conditions prescribed by the regulations or, if no such conditions are prescribed, it is subject to conditions imposed by the Minister. The amendment made by Schedule 1 (2) abolishes the Minister’s power to impose conditions. The result is that any desired conditions must be imposed by regulation.

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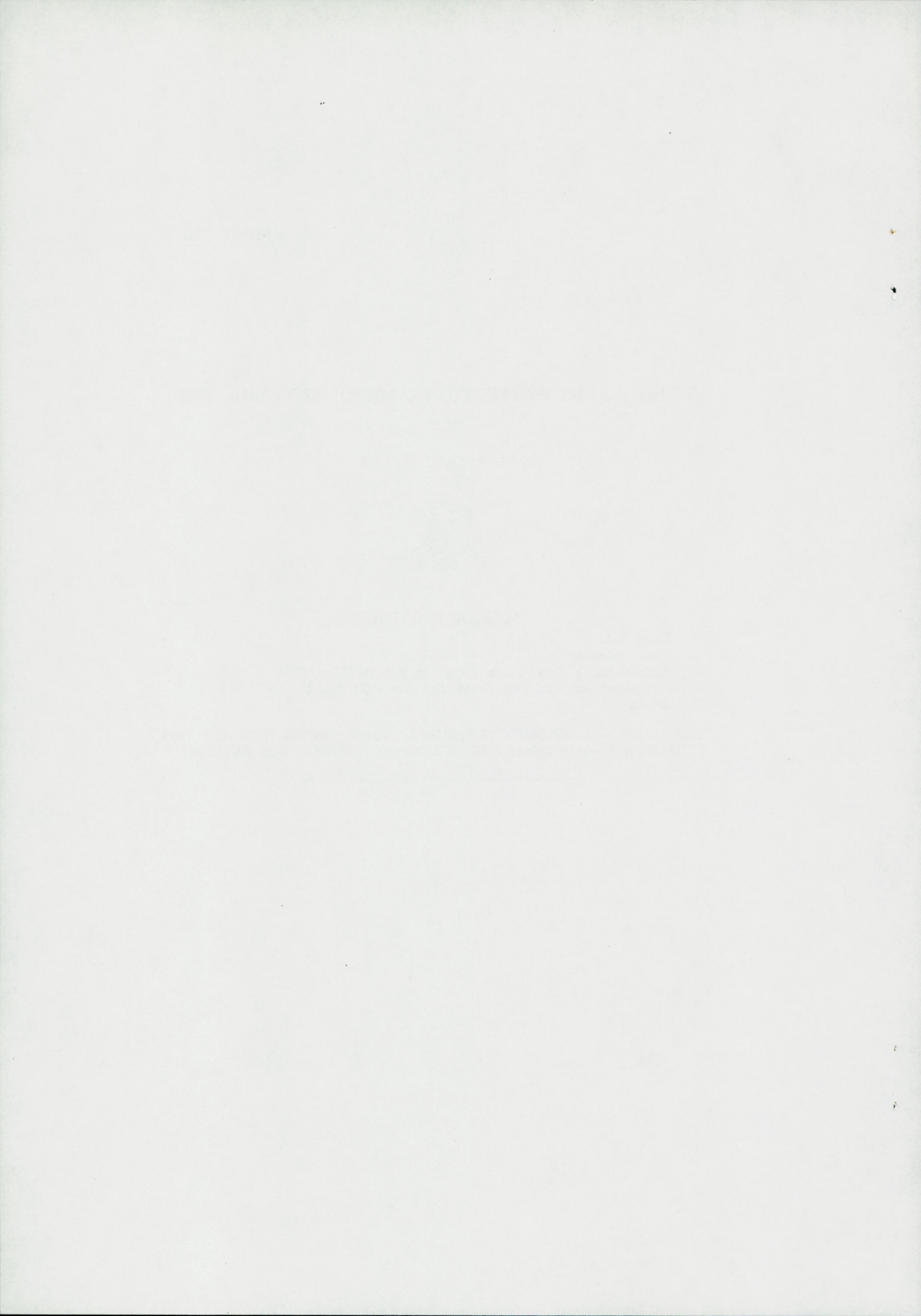


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SCHEDULE 1—AMENDMENT OF RURAL LANDS PROTECTION ACT 1989

SCHEDULE 2—AMENDMENT OF WILD DOG DESTRUCTION ACT 1921



RURAL LANDS PROTECTION (AMENDMENT) BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Rural Lands Protection Act 1989 with respect to native dogs and other animals kept in captivity and for other purposes.

Rural Lands Protection (Amendment) 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Rural Lands Protection (Amendment) Act 1992.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Rural Lands Protection Act 1989 No. 197

3. The Rural Lands Protection Act 1989 is amended as set out in Schedule 1.

10 Amendment of Wild Dog Destruction Act 1921 No. 17

4. The Wild Dog Destruction Act 1921 is amended as set out in Schedule 2.

Saving

5. A condition to which a permission granted under section 131 of the Rural Lands Protection Act 1989 was subject immediately before the commencement of this Act continues to have force, for the duration of the permission, despite the repeal by this Act of subsection (4) (b) of that section.

**SCHEDULE 1—AMENDMENT OF RURAL LANDS
PROTECTION ACT 1989**

(Sec. 3)

(1) Section 3 (Definitions):

(a) Omit the definition of "wild dog" from section 3 (1), insert instead:

"wild dog" means:

(a) any dog (other than the dingo) that is or has become wild; or

(b) any dingo in the wild.

(b) In section 3 (2) (a), after "animals", insert "(other than the dingo)".

Rural Lands Protection (Amendment) 1992

**SCHEDULE 1—AMENDMENT OF RURAL LANDS
PROTECTION ACT 1989—*continued***

- (2) Section 131 (**Minister may permit the keeping of noxious animals**):

Omit section 131 (4) (b).

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**SCHEDULE 2—AMENDMENT OF WILD DOG
DESTRUCTION ACT 1921**

(Sec. 4)

Section 3 (Definitions):

From the definition of "Wild dog", omit "includes any dingo or native dog, or any dog which has become wild", insert instead "means any dog (other than the dingo) that is or has become wild, any dingo in the wild".

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