

FIRST PRINT

**RURAL LANDS PROTECTION (MISCELLANEOUS
AMENDMENTS) BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to expand and clarify the functions of rural lands protection boards, including functions relating to membership, rates, stock, noxious animals and noxious insects; and
- (b) to make further provision with respect to the rights and obligations of owners and occupiers of land, and others, in relation to matters that are, or are related to, functions of rural lands protection boards; and
- (c) to increase the penalties for certain offences.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act (except Schedule 8 relating to savings and transitional provisions) to commence on a day or days to be appointed by proclamation. Schedule 8 would commence on the date of assent.

Clause 3 amends the Rural Lands Protection Act 1989 as set out in Schedules 1–8.

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS

Schedule 1 (1) amends the provisions constituting a rural lands protection board (“a board”) to make it clear that a board is not prevented from functioning if there is a casual vacancy in its membership.

Schedule 1 (2) clarifies the provision conferring functions on a board in relation to the registration of stock brands and other means of identifying stock. Instead of a board being responsible for their registration, it is to provide facilities to enable the district registrar to perform the functions.

Rural Lands Protection (Miscellaneous Amendments) 1993

Schedule 1 (3) expands the powers of a board to sell various devices and substances to an occupier of land by removing the present limitation which authorises sales only to occupiers within the board's district.

Schedule 1 (4) requires an election to fill a casual vacancy on a board that occurs during July or August to be held not later than the next succeeding 30 November instead of not later than 3 months after occurrence of the vacancy.

Schedule 1 (5) adds a debtor of a board to the persons disqualified from voting at an election of members of the board.

Schedule 1 (6) clarifies the operation of a provision in order to ensure that, if the district for a board is divided into districts, not more than 2 members of the board may be elected for each of the divisions.

Schedule 1 (7) enables the Chief of the Division of Animal Industries, instead of the Minister, to make a temporary appointment to the vacant office of a district veterinarian.

Schedule 1 (8) enables a board to engage casual employees, simplifies accounting procedures in relation to the funds of a board, makes it clear that an employee of a board is not subject to the control and direction of the board when the employee is acting as district registrar, and makes an amendment consequential on an earlier amendment. It also provides for consultation between a board and the Chief of the Division of Animal Industries before the board makes a decision as to whether or not it will suspend a ranger from duty.

Schedule 1 (9) provides for the Director-General of the Department of Agriculture, instead of the Minister, to apportion payments for long service leave if the leave is the result of service with 2 or more boards. The provision does not operate the extent that the apportionment of the leave is provided for by an award or agreement in force under a law of the State or the Commonwealth.

Schedule 1 (10) provides for the recording and disposal of a noxious insects levy.

Schedule 1 (11) fixes 30 days after the rendering of an account (other than an account for rates) as the date after which a board may charge interest on any unpaid part of the account.

SCHEDULE 2—AMENDMENTS RELATING TO RATES

Schedule 2 (1) inserts a definition of "stock unit" and makes a consequential amendment. The expression is used in determining carrying capacity and an animal health rate.

Schedule 2 (2) makes consequential amendments and requires a board to determine liability of an occupier of land for the animal health rate on certain information provided by the occupier in relation to stock on the land.

Schedule 2 (3) corrects references to "stock unit equivalents" (which should be references to "stock units").

Schedule 2 (4) sets out the method of assessing the carrying capacity of a holding by reference to stock units.

Rural Lands Protection (Miscellaneous Amendments) 1993

Schedule 2 (5) amends section 57 (10) which at present treats a new occupier as having failed to lodge any annual returns that were not lodged by the preceding occupier. The proposed amendment would exclude the new occupier from liability to prosecution for the failure by the preceding occupier.

Schedule 2 (6) enables a board to implement a system providing for the payment of rates by 4 instalments or a system under which a board could accept a different proposal by a ratepayer for the payment of the rates by instalments. In each case, approval of the system by the Minister would be required.

Schedule 2 (7) penalises a failure to notify certain changes of address.

Schedule 2 (8) enables a board to write off an overdue amount owing to it if the amount does not exceed \$10.

SCHEDULE 3—AMENDMENTS RELATING TO STOCK

Schedule 3 (1) requires a board, in addition to other responsibilities in relation to a travelling stock reserve, to take appropriate steps for land care and the preservation of native plants, birds and animals.

Schedule 3 (2) requires a board to consult the Director of National Parks and Wildlife before removing timber felled on a travelling stock reserve adjoining a national park or a nature reserve.

Schedule 3 (3) adds to the actions on a travelling stock reserve liable to be penalised. The addition comprises any activity that damages, or is likely to damage, the reserve.

Schedule 3 (4) makes it clear that an authorisation required for the transport of stock may be issued by any board.

Schedule 3 (5) deals with the situation where authority has been given for the walking or grazing of stock in a rural land protection district that is bounded by a road or travelling stock reserve which is included in another such district. The effect of the provision is to extend the operation of the authority to the road or reserve.

Schedule 3 (6) has the effect of extending the authority conferred by a walking stock permit for a district to another district if the board for the other district agrees. Provision is also made for the apportionment between the districts of the fee paid for the permit.

Schedule 3 (7) provides defences for a person in charge of unfenced stock that are being walked, or are grazing, on or near a public road without the person displaying signs warning road users of the presence of the stock.

Schedule 3 (8) excludes the occupier of land through which there passes an unfenced road, or an unfenced travelling stock reserve, from the operation of a provision creating an offence in relation to unattended stock on such a road or reserve.

Schedule 3 (9) provides that a stock licence authorises the movement of walking stock over any distance between sunrise and sunset on a specified day instead of imposing a maximum of 10 kilometres for small stock and 16 kilometres for large stock.

Schedule 3 (10) enables the caretaker of a stock watering place to move abandoned, straying or trespassing stock to the nearest pound.

Rural Lands Protection (Miscellaneous Amendments) 1993

Schedule 3 (11) enables a board to charge, in addition to agistment fees, expenses incurred by the board as a result of offences relating to abandoned stock and trespassing stock.

Schedule 3 (12) enables a board to recover the costs of destroying abandoned or trespassing stock.

Schedule 3 (13) adds to the powers of the controlling authority of a stock watering place by enabling it to grant a transfer of a lease of the watering place.

Schedule 3 (14) removes the present limitation under which an application to a district registrar for registration of a brand design for cattle or deer may be made only for use in relation to cattle or deer kept within the district.

Schedule 3 (15) removes the present limitation under which an application to a district registrar for registration of an earmark design for cattle or deer may be made only for use in relation to cattle or deer kept within the district.

Schedule 3 (16) makes amendments consequential on those made by Schedule 3 (14) and (15). It also enables an application for registration of a transfer of a brand design or earmark design to be made without production of the original certificate of registration of the design if it is unavailable.

Schedule 3 (17) and (18) make similar provisions in relation to a brand design or earmark design for small stock as are made by Schedule 3 (14)–(16) in relation to large stock.

Schedule 3 (19) extends from 6 months to 12 months the period during which a brand design or earmark design may continue to be used by the executor of the will, or the administrator of the estate, of the deceased proprietor of the design. It also extends from 6 months to 12 months the period after which a brand design or earmark design of a deceased proprietor of the design may be cancelled if no application for transfer of the design is made.

Schedule 3 (20) makes consequential amendments.

SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND NOXIOUS INSECTS

Schedule 4 (1) removes the present restriction under which employees of a board are the only persons, other than noxious animal inspectors and rangers, who may be authorised to exercise functions in relation to the suppression and destruction of noxious animals.

Schedule 4 (2) removes a limitation under which an officer of a board may destroy feral pigs on a vehicle only if the vehicle is within the board's district.

Schedule 4 (3) enables an authorised officer to require a person in possession of a noxious animal to destroy the animal or remove the animal to another place and there destroy it. Failure to comply would be an offence and the officer would be able to destroy the animal.

Schedule 4 (4) provides an alternative procedure for authorising the keeping of 2 or more noxious animals. At present, a written application and payment of a fee is required. It is proposed to enable the Minister to give the necessary authority to the

Rural Lands Protection (Miscellaneous Amendments) 1993

proprietor of a business without requiring a written application or payment of a fee. The Minister would be able to impose conditions.

Schedule 4 (5) makes a consequential amendment.

Schedule 4 (6) provides for no charge to be made for materials supplied by a board for the suppression of noxious insect nymphs.

SCHEDULE 5—AMENDMENTS RELATING TO PENALTIES

This Schedule effects the increases to penalties indicated.

Item (9) of the Schedule provides that proceedings in which a penalty exceeding 100 penalty units is sought are to be taken before the Supreme Court in its summary jurisdiction. Proceedings for a lesser penalty are to be taken before a Local Court.

Item (10) excludes from the penalties at present payable to a board the penalty for an offence by a board in relation to the keeping of its accounts.

[The expression "penalty unit" has its basis in section 56 of the Interpretation Act 1987. At present, 1 penalty unit is equivalent to \$100.]

SCHEDULE 6—MISCELLANEOUS AMENDMENTS

Schedule 6 (1) replaces a reference to a repealed Act.

Schedule 6 (2) exculpates the Council of Advice and its members, and persons acting with the authority of the Council of Advice, from any liability for anything done in good faith for the purposes of the Act. The Council of Advice is elected by the conference of the Rural Land Protection Boards' Association of New South Wales.

Schedule 6 (3) enables a cash payment to be made by disregarding an amount that is not a multiple of 5 cents. This is a consequence of the withdrawal from circulation of 1 cent and 2 cent coins.

Schedule 6 (4) clarifies an existing power to make regulations and enables the regulations to provide for the manner and form of making applications.

Schedule 6 (5) enables a letter of resignation from membership of a board to be addressed to the secretary of the board instead of to the Minister but requires the secretary to notify the Minister of the resignation as soon as possible. It also adds to the circumstances in which a member of a board vacates the office.

SCHEDULE 7—AMENDMENTS BY WAY OF STATUTE LAW REVISION

Schedule 7 (1) makes amendments consequential on a change to the titles of a Department and some office-holders.

Schedule 7 (2) clarifies a provision relating to the remuneration of the caretaker of a stock watering place.

Schedule 7 (3) rectifies an inconsistency of expression.

Schedule 7 (4) provides for increases in unpaid rates to be made for each period of 30 days (instead of each month) between the date on which the rates became due and the date on which they are paid.

Schedule 7 (5) corrects a cross-reference.

Rural Lands Protection (Miscellaneous Amendments) 1993

Schedule 7 (6) limits to travelling stock, instead of involving all stock, the requirement to keep stock off the bitumen or other made up surface of a road.

**SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS AND
TRANSITIONAL PROVISIONS**

Schedule 8 rearranges and adds to the present Schedule 5 comprising savings and transitional provisions. The present clause 40 of Schedule 5 is transferred to the beginning of the Schedule as "Part 1—Preliminary". The present clauses 1–39 of Schedule 5 become "Part 2—Provisions consequential on enactment of this Act". It is proposed to substitute clause 40, and add clauses 41–46, as "Part 3—Provisions consequential on the enactment of the Rural Lands Protection (Miscellaneous Amendments) Act 1993".

FIRST PRINT

**RURAL LANDS PROTECTION (MISCELLANEOUS
AMENDMENTS) BILL 1993**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Rural Lands Protection Act 1989 No. 197

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS

SCHEDULE 2—AMENDMENTS RELATING TO RATES

SCHEDULE 3—AMENDMENTS RELATING TO STOCK

SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND
NOXIOUS INSECTS

SCHEDULE 5—AMENDMENTS RELATING TO PENALTIES

SCHEDULE 6—MISCELLANEOUS AMENDMENTS

SCHEDULE 7—AMENDMENTS BY WAY OF STATUTE LAW REVISION

SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS AND
TRANSITIONAL PROVISIONS

**RURAL LANDS PROTECTION (MISCELLANEOUS
AMENDMENTS) BILL 1993**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Rural Lands Protection Act 1989 No. 197

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS

SCHEDULE 2—AMENDMENTS RELATING TO RATES

SCHEDULE 3—AMENDMENTS RELATING TO STOCK

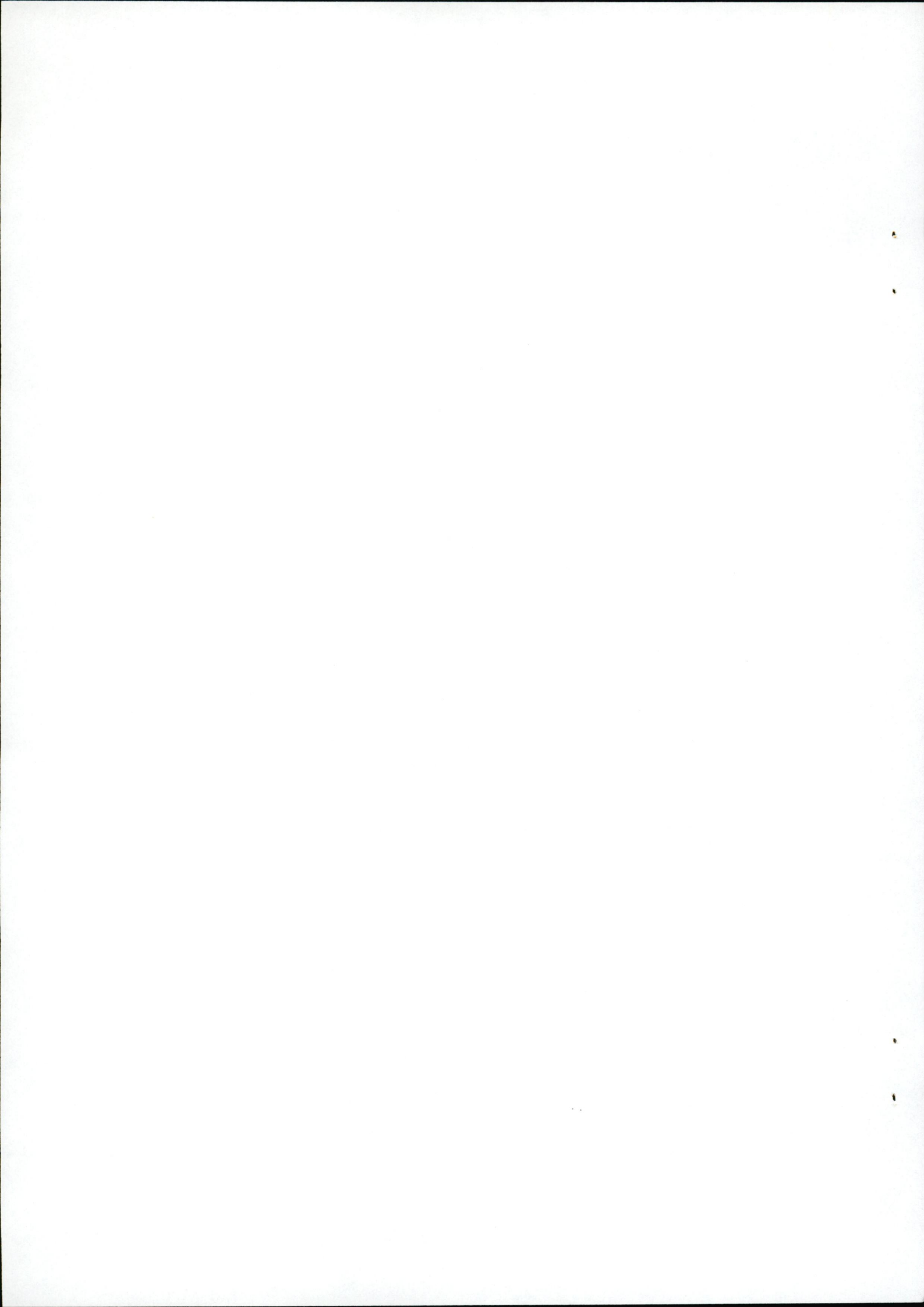
**SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND
NOXIOUS INSECTS**

SCHEDULE 5—AMENDMENTS RELATING TO PENALTIES

SCHEDULE 6—MISCELLANEOUS AMENDMENTS

SCHEDULE 7—AMENDMENTS BY WAY OF STATUTE LAW REVISION

**SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS AND
TRANSITIONAL PROVISIONS**



**RURAL LANDS PROTECTION (MISCELLANEOUS
AMENDMENTS) BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Rural Lands Protection Act 1989 with respect to the functions of rural lands protection boards and the occupiers of lands within the districts of the boards; to make further provision with respect to stock and the movement of stock; to increase certain penalties; and for other purposes.

Rural Lands Protection (Miscellaneous Amendments) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Rural Lands Protection (Miscellaneous Amendments) Act 1993.

5 Commencement

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.

(2) Schedule 8, and section 3 in its application to that Schedule, commence on the date of assent.

10 Amendment of Rural Lands Protection Act 1989 No. 197

3. The Rural Lands Protection Act 1989 is amended as set out in Schedules 1-8.

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS

(Sec. 3)

15 (1) Section 6 (Board to be established for each district):

Omit section 6 (6), insert instead:

(6) A board is to consist of 8 directors.

(2) Section 9 (Functions generally):

20 From section 9 (2) (h), omit "registering", insert instead "the provision of facilities for the district registrar to register".

(3) Section 10 (Purchase, sale and leasing of certain articles by a board):

25 (a) From section 10 (1), omit "to an occupier of land in the district for which the board is established".

(b) From section 10 (1) (b), omit "to such an occupier".

(c) Omit section 10 (3), insert instead:

(3) A board may lease to any person an article or substance referred to in subsection (1) (a), (c), (d) or (e).

30 (d) From section 10 (4), omit "an occupier of land", insert instead "the lessee".

(e) From section 10 (4), omit "to the occupier".

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS—
continued

- (4) Section 15 (**Election to be held to fill a casual vacancy in the office of director**):
- (a) Omit section 15 (1), insert instead: 5
- (1) If a casual vacancy occurs in the office of a director of a board, the board must hold a special election to fill the vacancy:
- (a) not later than the next succeeding 30 November if the vacancy occurs during July or August; or 10
- (b) in any other case, not later than 3 months after the occurrence of the vacancy.
- (b) From section 15 (3), omit “within 3 months after the vacancy occurred”, insert instead “as provided by subsections (1) and (2)”. 15
- (5) Section 20 (**Who is qualified to vote at an election**):
- At the end of section 20 (f), insert:
- ; and
- (g) the person is not in arrears in respect of any payment required to be made to the board, whether on account of rates or otherwise, 20
- (6) Section 21 (**Who is qualified for election or appointment as a director**):
- Omit section 21 (1) (b), insert instead:
- (b) the person is the occupier, or one of the occupiers, of a holding which consists wholly or partly of ratable land that is within the division for which the person is nominated or, if the district is not divided into divisions, is within the district; and 25
- (7) Section 23 (**Power to appoint temporary district veterinarians in certain cases**): 30
- From section 23 (1), omit “Minister”, insert instead “Chief of the Division of Animal Industries”.
- (8) Section 24 (**Power of a board to appoint other employees**):
- (a) From section 24 (3) (a), omit “or part-time”, insert instead “, part-time or casual”. 35

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS—
continued

- 5 (b) From section 24 (4), omit “but with the approval of the Minister that board may pay a part of that remuneration from one of its other funds”, insert instead “or may be wholly or partly paid from another of the board’s funds if the work for which the payment is made relates directly to the purpose for which the other fund is established”.
- 10 (c) After “Part 5” in section 24 (6), insert “and except in exercising functions under Part 12 as district registrar”.
- (d) After “duty” wherever occurring in section 24 (9) and (10), insert “, on full pay or half pay or without pay,”.
- (e) After section 24 (9), insert:
- 15 (9A) Consultation between the Chief of the Division of Animal Industries and the relevant board must take place before the board decides whether or not to suspend a ranger from duty.
- (9) Section 27 (**Apportionment of certain long service leave payments between boards**):
- 20 (a) From section 27 (1), omit “Minister”, insert instead “Director-General”.
- (b) After section 27 (3), insert:
- 25 (4) If this section is inconsistent with an award or agreement in force under a law of the State or the Commonwealth, the award or agreement prevails to the extent of the inconsistency.
- (10) Section 35:
- Omit the section, insert instead:
- Accounting for levies under Part 10**
- 30 35. (1) A board must record all levies that are paid to it, or recovered by it, under Part 10.
- (2) The board is to pay the levies into a noxious insects fund or into the rural lands protection fund maintained by the board under section 31.
- 35 (3) If the levies are paid into the rural lands protection fund, the board is to keep a separate account of the levies so paid.

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS—
continued

- (4) Until the levies are remitted to the Minister in accordance with Part 10, they are to be held in the fund into which they are paid and, if they are held in the rural lands protection fund, the separate account of the levies is to be retained. 5
- (11) Section 49 (**Interest on outstanding payments**):
- Omit section 49 (1), insert instead:
- (1) A board may charge interest at a rate not exceeding the prescribed rate on so much of an amount as is due and payable to the board and remains unpaid: 10
- (a) for 30 days after service on the debtor of an account for, or which includes, that amount; or
- (b) for such longer period as the board may allow. 15

SCHEDULE 2—AMENDMENTS RELATING TO RATES

(Sec. 3)

- (1) Section 3 (**Definitions**):
- (a) From paragraph (b) of the definition of “ratable land” in section 3 (1), omit “stock unit equivalents”, insert instead “stock units”. 20
- (b) From section 3 (1), omit the definition of “stock unit equivalent”, insert instead:
- “stock unit” means:
- (a) for the purpose of determining an animal health rate—a stock unit determined in accordance with section 53; or 25
- (b) for the purpose of assessing carrying capacity—a stock unit determined in accordance with section 55; 30
- (2) Section 53 (**Board may levy general and animal health rates**):
- (a) From section 53 (1) (b) (i), omit “stock unit equivalents”, insert instead “stock units determined in accordance with subsection (1B)”.

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 2—AMENDMENTS RELATING TO RATES—*continued*

- (b) From section 53 (1) (b) (ii), omit “the number of prescribed stock unit equivalents”, insert instead “the prescribed number”.
- 5 (c) After section 53 (1), insert:
- (1A) In determining the liability of an occupier of land for the animal health rate, a board must:
- (a) on the basis set out in subsection (1B), use the information provided in relation to stock in the return lodged by the occupier during the last preceding year under section 57, or the information provided by the occupier under section 58; or
- (b) take action under section 58 if the occupier did not lodge a return under section 57 for the last preceding year.
- (1B) The basis for determining liability for the animal health rate is as follows:
- (a) 1 sheep at least 6 months old represents 1 stock unit;
- (b) 1 goat at least 6 months old represents 1 stock unit;
- (c) 1 deer at least 6 months old represents 1 stock unit;
- (d) 1 pig of any age represents 1 stock unit;
- (e) 1 large stock (except deer) at least 6 months old represents 10 stock units but, in the case of horses, only such horses as exceed 5 in number are to be taken into account.
- (3) Sections 54 (2) (b), 55 (2) and 56 (2):
- Omit “stock unit equivalents”, wherever occurring, insert instead “stock units”.
- (4) Section 55 (**Assessment of carrying capacity**):
- 30 (a) Omit section 55 (1), insert instead:
- (1) A board must, for the purposes of this Act, assess carrying capacity by reference to stock units as follows:
- (a) 1 wether of any breed and with 2 or more teeth represents 1 stock unit;
- (b) 1 dry goat of any age represents 1 stock unit;
- (c) 1 dry deer of any age represents 1 stock unit;

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 2—AMENDMENTS RELATING TO RATES—*continued*

- (d) 1 pig of any age represents 1 stock unit;
- (e) 1 dry large stock (other than deer) of any age represents 10 stock units.
- (b) After section 55 (3) (b), insert: 5
- (b1) must not take into consideration the use of irrigation if the land is irrigated land used for permanent plantings of trees or vines; and
- (5) Section 57 (**Occupiers to lodge with board annual returns of land and stock**): 10
- From section 57 (10), omit “the person is to be treated as not having lodged the return for that year or immediately preceding year”, insert instead “the failure by the previous occupier becomes, except for the purposes of subsection (4), a failure by the person who becomes the occupier”. 15
- (6) Sections 62A, 62B:
- After section 62, insert:
- Payment of current rates by 4 instalments**
- 62A. (1) A board may, with the approval of the Minister, implement a system under which the person liable to pay to the board any rates levied during a year may pay those rates by instalments as provided by this section. 20
- (2) A person may not pay rates by instalments as provided by this section if any arrears of rates in respect of the land are not paid with the first instalment or earlier. 25
- (3) If a person pays an instalment of rates in accordance with this section, the board must accept the payment and has no power to recover or increase any other instalment not due for payment.
- (4) If an instalment of rates is not paid on or before the day provided for its payment: 30
- (a) the total amount of the instalments unpaid on that day becomes due and payable to, and recoverable by, the board; and
- (b) the provisions of this Act relating to overdue rates apply in respect of the total amount unpaid. 35

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 2—AMENDMENTS RELATING TO RATES—*continued*

(5) If payment of an instalment of rates is offered after its due date for payment and the board is of the opinion:

- 5 (a) that a refusal by the board to accept the payment would cause hardship to the person liable to pay the rates; or
- (b) that the failure to pay the instalment on or before the due date for its payment was due to reasons beyond the control of the person so liable,

the board may accept payment of the instalment.

10 (6) The payment of an instalment which is accepted by a board under subsection (5) is taken to have been paid in accordance with this section.

Other payments of rates by instalments

15 62B. With the approval of the Minister, a board may adopt a procedure under which the board may:

- (a) agree to accept payment by instalments of rates due and payable by a person to the board; and
- 20 (b) write off or reduce extra charges in respect of the rates, if the person complies with the terms and conditions of the agreement.

(7) Section 65A:

After section 65, insert:

Notification of change of address

25 65A. (1) If there is a change of postal address for:

- (a) the occupier of ratable land within a district; or
- (b) the owner of stock kept within a district,

the occupier or owner is guilty of an offence if the board for the district is not notified of the change within the next succeeding period of 1 month.

30 Maximum penalty: 10 penalty units.

(2) A person who becomes:

- (a) the occupier of ratable land within a district; or
- (b) the owner of stock kept within a district,

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 2—AMENDMENTS RELATING TO RATES—*continued*

is guilty of an offence if the board for the district is not notified of the postal address of the person within the next succeeding period of 1 month.

Maximum penalty: 10 penalty units. 5

(3) If there is a change of postal address for the proprietor of a means of identification of stock registered with a district registrar, the proprietor of the means of identification is guilty of an offence if the district registrar is not notified of the change within the next succeeding period of 1 month. 10

Maximum penalty: 10 penalty units.

(8) Section 73 (**Waiver, refund or writing off of rates**):

(a) After section 73 (3), insert:

(3A) A board may write off the whole of an amount owing to it for overdue rates or other costs or charges if the whole of the amount owing does not exceed \$10. 15

(b) After “any” in section 73 (4), insert “other”.

SCHEDULE 3—AMENDMENTS RELATING TO STOCK

(Sec. 3)

(1) Section 81 (**Specific responsibilities of a board in respect of travelling stock reserves**): 20

At the end of section 81 (1) (g), insert:

; and

(h) taking such steps as the board considers to be appropriate for proper land care, and the conservation of native trees, plants, birds and animals, within the reserve. 25

(2) Section 82 (**Trees growing in a travelling stock reserve not to be felled without the consent of the Forestry Commission**):

(a) After “was felled” in section 82 (5), insert “or any other travelling stock reserve within its district”. 30

(b) After section 82 (10), insert:

(11) Before a board decides whether or not to remove timber felled on a travelling stock reserve that adjoins a national park or a nature reserve, it is to consult the Director 35

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

5 of National Parks and Wildlife and may remove the timber only after giving due consideration to any representations made by the Director.

(3) **Section 85 (Person not to use a travelling stock reserve except under a permit, licence or other authority):**

At the end of section 85 (1) (b), insert:

; or

10 (c) engage in any other activity which damages, or is likely to damage, such a reserve,

(4) **Section 88 (Restrictions on the movement of stock by vehicular transport):**

15 From section 88 (2), omit “the person conveying the stock is the holder of”, insert instead “a board has issued, and there is held by the person,”.

(5) **Section 90 (Authority required for movement of walking stock):**

After section 90 (3), insert:

20 (3A) If a boundary of 2 rural lands protection districts is a public road or a travelling stock reserve, and the walking or grazing of stock on the road or reserve is authorised for one of the districts, the walking or grazing of stock is taken to be authorised for so much of the other district as comprises the
25 road or reserve.

(6) **Section 92 (Issue of walking stock permits):**

(a) Omit section 92 (9), insert instead:

(9) A walking stock permit has effect only:

30 (a) within the district of the board by which, or on behalf of which, it was issued; and

(b) within the district of any other board which gives written authority for the permit to have effect within its district,

except as provided by section 90 (3A).

35 (b) After section 92 (9), insert:

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

- (9A) If a board gives written authority for effect to be given within its district to a walking stock permit issued by another board, the fee paid for the permit is to be apportioned between the boards on a mutually agreed basis. 5
- (7) Section 96 (**Display of signs when stock are grazing on or near a public road**):
- After section 96 (3), insert:
- (3A) It is a defence to a prosecution for an offence under subsection (1) if it is proved that: 10
- (a) compliance with the subsection was not necessary because the presence of the stock did not result in any reasonably foreseeable danger to any person, animal or vehicle; or 15
- (b) the failure to comply with the subsection was due to circumstances that were beyond the control of, and could not reasonably have been foreseen by, the person in charge of the stock.
- (8) Section 98 (**Board may establish stock holding areas**): 20
- (a) After “offence” in section 98 (10), insert “unless subsection (11) excludes the application of this section in relation to the stock”.
- (b) After section 98 (10), insert:
- (11) Subsection (10) does not apply in relation to unattended stock if: 25
- (a) the stock are on a public road or travelling stock reserve which passes through occupied land; and
- (b) there is no stock-proof fence separating the road or reserve from the occupied land; and 30
- (c) the stock are under the control of the occupier of the land or have been left unattended with the authority of the occupier.
- (9) Section 99 (**Use of stock licences**):
- (a) Omit section 99 (1) (a), insert instead: 35
- (a) to move walking stock over a public road or a travelling stock reserve between the hours of sunrise

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

- 5 and sunset on any day, if the entire journey to the final destination of the stock is undertaken between those hours on that day; or
- (b) Omit section 99 (1) (b).
- (10) Section 111 (**Impounding of abandoned, straying or trespassing stock**):
- 10 (a) After “the watering place” in section 111 (2), insert “or, in the opinion of the caretaker or other person, abandoned or straying there”.
- (b) After “abandons stock” in section 111 (4) (a), insert “or stock are straying or trespassing”.
- (c) Omit section 111 (4) (b), insert instead:
- 15 (b) in the case of abandoned or straying stock, the occupier of the occupied land has not consented to the stock being on the land,
- (d) From section 111 (4), omit “is, on the request of that occupier, required to impound the stock”, insert instead
- 20 “may, on the request of that occupier, impound the stock”.
- (11) Section 114 (**Court to order payment of agistment fees in certain cases**):
- (a) From section 114 (1), omit “committed agistment fees at the rate specified in the regulations for the purpose of this subsection.”, insert instead:
- 25 committed:
- (a) agistment fees at the rate specified in the regulations for the purpose of this subsection; and
- (b) an amount sufficient to reimburse the board for any
- 30 other expenses incurred by the board as a result of the offence.
- (b) In section 114 (2) and (3), after “fees”, wherever occurring, insert “and other expenses”.
- (12) Section 115 (**Prescribed officer may destroy abandoned or trespassing stock in certain circumstances**):
- 35 After section 115 (3), insert:

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

- (4) The costs incurred by an officer of a board in destroying stock under this section after the commencement of this subsection are recoverable by the board as a debt owed to the board by the owner of the stock. 5
- (13) Section 121 (**Leases of stock watering places**):
After “such a lease,” in section 121 (2), insert “or transfer such a lease,”.
- (14) Section 181 (**Registration of brand designs for application to large stock**): 10
Omit section 181 (1), insert instead:
(1) Any person may apply to a district registrar for the allocation and registration of a brand design for use in relation to large stock. 15
- (15) Section 183 (**Registration of earmark designs for application to cattle or deer**):
Omit section 183 (1) insert instead:
(1) Any person may apply to a district registrar to be registered as the proprietor of an earmark design for use in relation to cattle or deer. 20
- (16) Section 185 (**Transfer of ownership of brand and earmark designs used for large stock**):
(a) From section 185 (1), omit “who keeps large stock within the district where the design is registered”. 25
(b) Omit section 185 (2).
(c) From section 185 (5) and (6), omit “appropriate district registrar” wherever occurring, insert instead “district registrar in whose register the design is registered”.
(d) Before “the current” in section 185 (5) (b) (ii), insert “if available,”. 30
- (17) Section 190 (**Registration of brand and earmark designs for application to small stock**):
(a) Omit section 190 (1), insert instead:
(1) Any person may apply to a district registrar to be registered as the proprietor of a specified brand design or a specified earmark design, or both, for use in relation to small stock. 35

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

- (b) From section 190 (5), omit “kept within the district”.
 (c) From section 190 (6) (a), omit “kept within a district”.
- 5 (18) Section 191 (**Transfer of brand and earmark designs used for small stock**):
- (a) From section 191 (1), omit “who keeps small stock within the district where the design is registered”.
 (b) Omit section 191 (2).
 10 (c) Before “the current” in section 191 (4) (b) (ii), insert “if available,”.
- (19) Sections 195 (1) and (2), 197 (1) (d):
 Omit “6 months” wherever occurring, insert instead “12 months”.
- 15 (20) Sections 196 (1), 197 (1) (b):
 Omit “district concerned” wherever occurring, insert instead “district in which registration of the design is kept by the district registrar”.

20 SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND NOXIOUS INSECTS

(Sec. 3)

- (1) Section 127 (**Board may order the occupier or owner of land to suppress and destroy noxious animals on the land**):
- 25 (a) From section 127 (1), omit “employee of the board”, insert instead “person”.
 (b) After “may” in section 127 (5), insert “ , for the purposes of this section, whether or not a notice has been served under subsection (2)”.
 (c) From section 127 (8) (b), omit “while on the land,”.
- 30 (2) Section 129 (**Authorised officer of a board may destroy feral pigs found on vehicles**):
 Omit section 129 (1), insert instead:
- 35 (1) An authorised officer of a board who believes on reasonable grounds that a vehicle may contain a live feral pig:

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND NOXIOUS INSECTS—*continued*

- (a) may, if necessary, require the driver to stop the vehicle; and
- (b) may search the vehicle; and 5
- (c) may seize and destroy any live feral pig found on the vehicle,
- unless the feral pig is being conveyed for the purpose of being destroyed in accordance with a requirement made under section 129A. 10
- (3) Section 129A:
- After section 129, insert:
- Destruction of noxious animal may be required by authorised officer**
- 129A. (1) An authorised officer: 15
- (a) may, except as provided by the regulations, require a person in possession of a live noxious animal to destroy the animal or move the animal to a specified place and there destroy it; and
- (b) if the person refuses or fails to comply with the requirement, may take the required action, whether or not it involves taking possession of the animal. 20
- (2) For the purposes of this section, an authorised officer may enter any land (other than a dwelling-house) on which the officer reasonably suspects a person to be in possession of a live noxious animal. 25
- (3) A person who fails to comply with a requirement made of the person under this section by an authorised officer is guilty of an offence, even if the action required is carried out by the officer instead of by the person. 30
- Maximum penalty: 40 penalty units.
- (4) Section 131 (Minister may permit the keeping of noxious animals):
- After section 131 (4A), insert:
- (4B) The Minister may, without written application or payment of a fee, grant the proprietor of a business permission to keep a specified number of noxious animals of a specified kind subject to compliance with conditions specified by the Minister when granting the permission. 35

*Rural Lands Protection (Miscellaneous Amendments) 1993***SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND NOXIOUS INSECTS—*continued*****(5) Section 133 (Miscellaneous offences involving noxious animals):**

5 After “offence” in section 133 (4), insert “, unless the feral pig is being conveyed for the purpose of being destroyed in accordance with a requirement made under section 129A”.

(6) Section 141 (Board may, by order, require an occupier to suppress and destroy noxious insect nymphs):

10 After section 141 (1), insert:

(1A) Materials referred to in subsection (1) (b) are to be supplied by the board free of charge.

SCHEDULE 5—AMENDMENTS RELATING TO PENALTIES

(Sec. 3)

(1) Sections 85 (1) and 90 (2):

15 Omit “20 penalty units” wherever occurring, insert instead “50 penalty units”.

(2) Sections 93 (9) and 217 (3):

20 Omit “10 penalty units”, wherever occurring, insert instead “50 penalty units”.

(3) Section 97 (Control of stock on roads and reserves):

 From section 97 (2), omit “2 penalty units”, insert instead “10 penalty units”.

(4) Section 106 (Persons prohibited from depositing or abandoning rubbish, carcasses and other things on reserves):

25 From section 106 (1), omit “20 penalty units”, insert instead “50 penalty units, unless more than one animal carcass is in any place found at the same time after being left or abandoned by the same person, in which case the maximum penalty is 50 penalty units for each carcass”.

(5) Section 125 (Offence to damage stock watering place etc.):

30 From section 125 (1), omit “50 penalty units”, insert instead “100 penalty units”.

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 5—AMENDMENTS RELATING TO PENALTIES—
continued

- (6) Sections 126 (4), 127 (4), 129 (2), 141 (4), 178, 199 (1), (3) and 209 (1), (2):
Omit “20 penalty units” wherever occurring, insert instead “50 penalty units”. 5
- (7) Section 133 (**Miscellaneous offences involving noxious animals**):
- (a) From section 133 (1) and (3), omit “10 penalty units” wherever occurring, insert instead “50 penalty units”. 10
- (b) From section 133 (2), omit “20 penalty units”, insert instead “50 penalty units”.
- (c) From section 133 (4), omit “100 penalty units”, insert instead “200 penalty units”.
- (8) Section 203 (**Owner of stock may be ordered to muster the stock**): 15
From section 203 (2), omit “10 penalty units”, insert instead “20 penalty units”.
- (9) Section 204: 20
Omit the section, insert instead:
Proceedings for offences
204. (1) Proceedings for an offence against this Act may be taken before a Local Court constituted by a Magistrate sitting alone or before the Supreme Court in its summary jurisdiction. 25
(2) The maximum penalty that may be imposed by a Local Court for an offence against this Act is 100 penalty units.
- (10) Section 206 (**Penalties to be paid to boards**):
From section 206 (1), omit “the registrar”, insert instead “other than an offence under section 30, the Clerk”. 30
- (11) Section 208 (**Offences relating to the provision of information in relation to certain matters**):
From section 208 (5), omit “20 penalty units”, insert instead “100 penalty units”.

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 6—MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 22 (**District veterinarians**):

5 From section 22 (12), omit “Industrial Arbitration Act 1940”, insert instead “Industrial Relations Act 1991”.

(2) Section 50 (**Functions of the Council of Advice**):

After section 50 (6), insert:

- 10 (7) No matter or thing done in good faith for the purposes of this Act by:
- (a) the Council of Advice or a member of the Council of Advice; or
- (b) any person acting under the direction or authority of, or with the concurrence or approval of, the Council of Advice,
- 15 subjects the Council of Advice, a member of the Council of Advice or any person so acting to any action, liability, claim or demand.

(3) Section 215A:

After section 215, insert:

20 **Cash payments**

215A. If a person offers payment in cash of an amount payable to a board which is not a multiple of 5 cents, the board may round the amount down to the nearest multiple of 5 cents. The amount so rounded down is taken to be the amount due to the board.

25

(4) Section 217 (**Regulations**):

(a) Omit section 217 (2) (i), insert instead:

- 30 (i) prescribe the functions of district registrars, and of secretaries and other employees of boards, in relation to the registration of brands and earmark designs and other means of stock identification;

(b) After section 217 (2) (y), insert:

- (z) the manner and form of making applications.

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 6—MISCELLANEOUS AMENDMENTS—*continued*

- (5) Schedule 1, clause 2 (**Vacancy in office of director**):
- (a) From clause 2 (1) (c), omit “Minister”, insert instead “secretary of the board”.
- (b) At the end of clause 2 (1) (h), insert: 5
- ; or
- (i) ceases to be qualified for appointment or election as a member of the board; or
- (j) accepts employment by the board; or
- (k) ceases for any other reason to be a member of the board before the expiration of his or her term of office. 10
- (c) After clause 2 (1), insert:
- (1A) The secretary of a board is to notify the Minister as soon as possible of any resignation of a director of the board of which the secretary has been notified. 15

SCHEDULE 7—AMENDMENTS BY WAY OF STATUTE
LAW REVISION

(Sec. 3)

- (1) The whole Act:
- (a) Omit “Division of Animal Health” wherever occurring, insert instead “Division of Animal Industries”. 20
- (b) Omit “and Fisheries” wherever occurring.
- (c) Omit “of Veterinary Services” wherever occurring.
- (2) Section 33 (**Board in Eastern and Central Division to maintain a reserves improvement fund**): 25
- From section 33 (3) (b), omit “the remuneration payable to”, insert instead “in paying the remuneration of”.
- (3) Section 41 (**Auditor-General may surcharge directors and employees of a board for improper expenditure**):
- From section 41 (4), omit “officer”, insert instead “employee”. 30

*Rural Lands Protection (Miscellaneous Amendments) 1993***SCHEDULE 7—AMENDMENTS BY WAY OF STATUTE
LAW REVISION—*continued*****(4) Section 68 (Extra charges to be paid in respect of overdue rates):**

- 5 (a) From section 68 (1), omit “at the rate per cent per year”, insert instead “as”.
- (b) From section 68 (3), omit “months”, insert instead “30 day periods”.
- (c) Omit section 68 (4).

10 (5) Section 96 (Signs to be displayed when stock are walking or grazing on or near a road and drivers’ responsibility):

From section 96 (5), omit “subclause”, insert instead “subsection”.

(6) Section 97 (Control of travelling stock on roads and reserves):

- 15 After “When” in section 97 (1), insert “travelling”.

**SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS
AND TRANSITIONAL PROVISIONS**

(Sec. 3)

Schedule 5 (Savings and transitional provisions):

- 20 (1) Before clause 1 of Schedule 5, insert:

Part 1—Preliminary**Regulations**

- 25 1A. (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following Acts:

- this Act
- the Rural Lands Protection (Miscellaneous Amendments) Act 1993.

- 30 (2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of repeal or amendment of the related provision of the Act concerned or a later day.

- 35 (3) To the extent that a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS AND
TRANSITIONAL PROVISIONS—*continued*

(a) to affect, in a manner prejudicial to any person, the rights of the person existing before the date of publication; or 5

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of publication.

**Part 2—Provisions consequential on the enactment
of this Act** 10

(2) Omit clause 40 of Schedule 5, insert instead:

**Part 3—Provisions consequential on the enactment
of the Rural Lands Protection (Miscellaneous
Amendments) Act 1993** 15

Definition

40. In this Part:

“1993 Act” means the Rural Lands Protection (Miscellaneous Amendments) Act 1993.

Casual vacancies on board

41. Section 21, as amended by Schedule 1 (6) to the 1993 Act, does not apply in relation to a director holding office on the commencement of the amendment or a director elected at an election for which the closing day for nomination of candidates is earlier than that commencement. 20

Temporary district veterinarians 25

42. A temporary district veterinarian holding office under section 23 immediately before the amendment of that section by Schedule 1 (7) to the 1993 Act is taken to have been appointed by the Chief of the Division of Animal Industries.

Registration of brand design 30

43. (1) The registration of a brand design in force under section 181 immediately before the amendment of that section by Schedule 3 (14) to the 1993 Act is taken to have been effected under that section as amended by that Schedule. 35

(2) An application for registration of a brand design pending immediately before the amendment of section 181 by Schedule 3 (14) to the 1993 Act is taken to be an

Rural Lands Protection (Miscellaneous Amendments) 1993

SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS AND
TRANSITIONAL PROVISIONS—*continued*

application for registration under that section as amended by that Schedule.

5 **Registration of earmark design**

44. An application for registration of an earmark design pending immediately before the amendment of section 183 by Schedule 3 (15) to the 1993 Act is taken to be an application for registration under that section as amended by that Schedule.

10 **Death of registered proprietor of brand or earmark design**

45. If, immediately before the amendment of sections 195 and 197 by Schedule 3 (19) to the 1993 Act, a period of 6 months referred to in section 195 (1) or (2), or section 197 (1) (d), had not expired, the period of 6 months is extended to a period of 12 months.

15 **Extra charges for overdue rates**

46. Section 68, as amended by Schedule 7 (4) to the 1993 Act, does not affect an increase made before the commencement of the amendment but otherwise applies to a rate or part of a rate unpaid immediately before that commencement.

20

**RURAL LANDS PROTECTION (MISCELLANEOUS
AMENDMENTS) ACT 1993 No. 8**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Rural Lands Protection Act 1989 No. 197

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS

SCHEDULE 2—AMENDMENTS RELATING TO RATES

SCHEDULE 3—AMENDMENTS RELATING TO STOCK

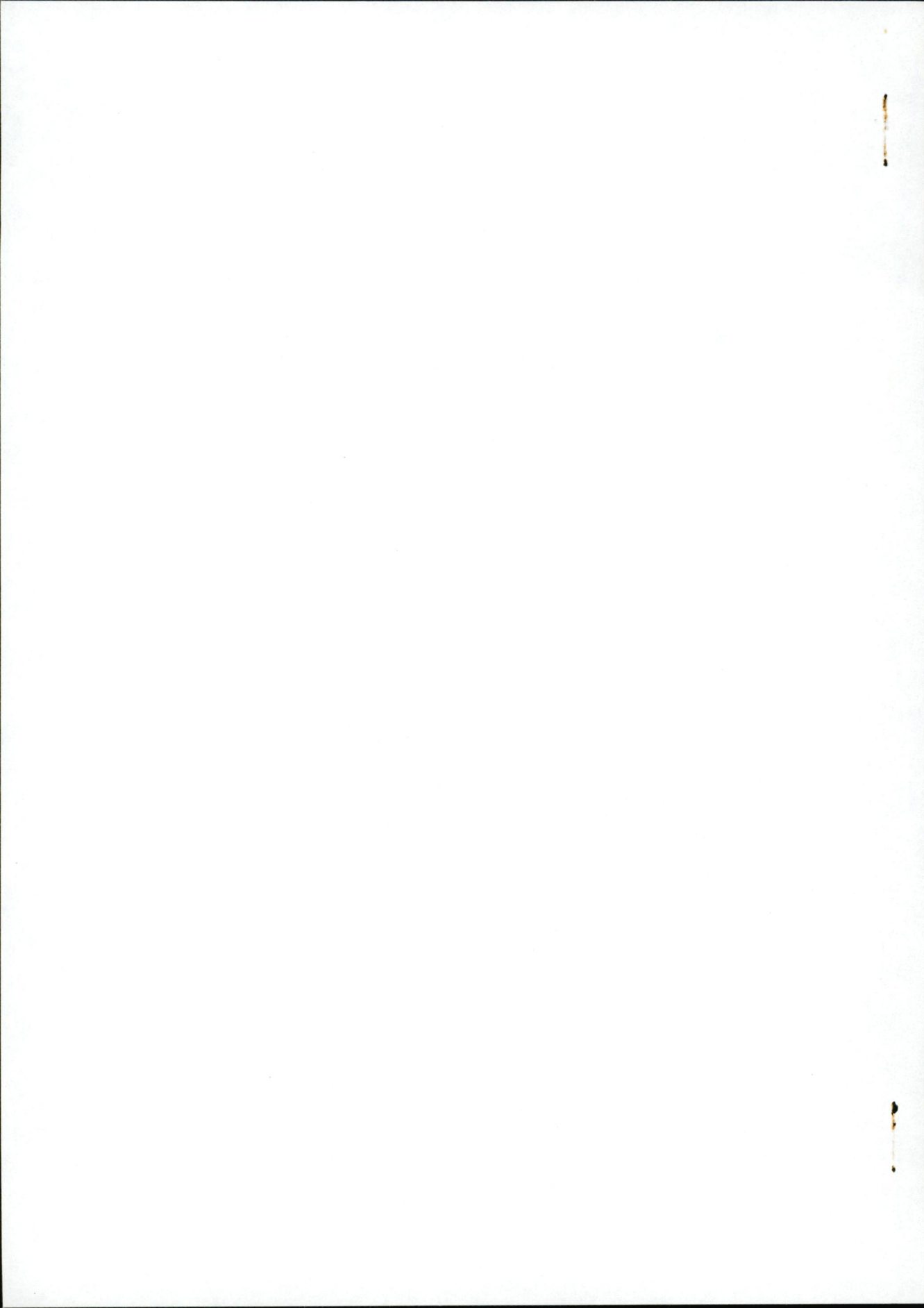
**SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND
NOXIOUS INSECTS**

SCHEDULE 5—AMENDMENTS RELATING TO PENALTIES

SCHEDULE 6—MISCELLANEOUS AMENDMENTS

SCHEDULE 7—AMENDMENTS BY WAY OF STATUTE LAW REVISION

**SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS AND
TRANSITIONAL PROVISIONS**



**RURAL LANDS PROTECTION (MISCELLANEOUS
AMENDMENTS) ACT 1993 No. 8**

NEW SOUTH WALES



Act No. 8, 1993

An Act to amend the Rural Lands Protection Act 1989 with respect to the functions of rural lands protection boards and the occupiers of lands within the districts of the boards; to make further provision with respect to stock and the movement of stock; to increase certain penalties; and for other purposes. [Assented to 29 April 1993]

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Rural Lands Protection (Miscellaneous Amendments) Act 1993.

Commencement

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.

(2) Schedule 8, and section 3 in its application to that Schedule, commence 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 Schedules 1-8.

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS

(Sec. 3)

(1) Section 6 (**Board to be established for each district**):

Omit section 6 (6), insert instead:

(6) A board is to consist of 8 directors.

(2) Section 9 (**Functions generally**):

From section 9 (2) (h), omit "registering", insert instead "the provision of facilities for the district registrar to register".

(3) Section 10 (**Purchase, sale and leasing of certain articles by a board**):

(a) From section 10 (1), omit "to an occupier of land in the district for which the board is established".

(b) From section 10 (1) (b), omit "to such an occupier".

(c) Omit section 10 (3), insert instead:

(3) A board may lease to any person an article or substance referred to in subsection (1) (a), (c), (d) or (e).

(d) From section 10 (4), omit "an occupier of land", insert instead "the lessee".

(e) From section 10 (4), omit "to the occupier".

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS—
continued

- (4) Section 15 (**Election to be held to fill a casual vacancy in the office of director**):
- (a) Omit section 15 (1), insert instead:
 - (1) If a casual vacancy occurs in the office of a director of a board, the board must hold a special election to fill the vacancy:
 - (a) not later than the next succeeding 30 November if the vacancy occurs during July or August; or
 - (b) in any other case, not later than 3 months after the occurrence of the vacancy.
 - (b) From section 15 (3), omit “within 3 months after the vacancy occurred”, insert instead “as provided by subsections (1) and (2)”.
- (5) Section 20 (**Who is qualified to vote at an election**):
- At the end of section 20 (f), insert:
- ; and
 - (g) the person is not in arrears in respect of any payment required to be made to the board, whether on account of rates or otherwise,
- (6) Section 21 (**Who is qualified for election or appointment as a director**):
- Omit section 21 (1) (b), insert instead:
- (b) the person is the occupier, or one of the occupiers, of a holding which consists wholly or partly of ratable land that is within the division for which the person is nominated or, if the district is not divided into divisions, is within the district; and
- (7) Section 23 (**Power to appoint temporary district veterinarians in certain cases**):
- From section 23 (1), omit “Minister”, insert instead “Chief of the Division of Animal Industries”.
- (8) Section 24 (**Power of a board to appoint other employees**):
- (a) From section 24 (3) (a), omit “or part-time”, insert instead “, part-time or casual”.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS—
continued

- (b) From section 24 (4), omit “but with the approval of the Minister that board may pay a part of that remuneration from one of its other funds”, insert instead “or may be wholly or partly paid from another of the board’s funds if the work for which the payment is made relates directly to the purpose for which the other fund is established”.
 - (c) After “Part 5” in section 24 (6), insert “and except in exercising functions under Part 12 as district registrar”.
 - (d) After “duty” wherever occurring in section 24 (9) and (10), insert “, on full pay or half pay or without pay,”.
 - (e) After section 24 (9), insert:
 - (9A) Consultation between the Chief of the Division of Animal Industries and the relevant board must take place before the board decides whether or not to suspend a ranger from duty.
- (9) **Section 27 (Apportionment of certain long service leave payments between boards):**
- (a) From section 27 (1), omit “Minister”, insert instead “Director-General”.
 - (b) After section 27 (3), insert:
 - (4) If this section is inconsistent with an award or agreement in force under a law of the State or the Commonwealth, the award or agreement prevails to the extent of the inconsistency.
- (10) **Section 35:**
- Omit the section, insert instead:
- Accounting for levies under Part 10**
35. (1) A board must record all levies that are paid to it, or recovered by it, under Part 10.
- (2) The board is to pay the levies into a noxious insects fund or into the rural lands protection fund maintained by the board under section 31.
- (3) If the levies are paid into the rural lands protection fund, the board is to keep a separate account of the levies so paid.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 1—AMENDMENTS RELATING TO BOARDS—
continued

(4) Until the levies are remitted to the Minister in accordance with Part 10, they are to be held in the fund into which they are paid and, if they are held in the rural lands protection fund, the separate account of the levies is to be retained.

(11) Section 49 (**Interest on outstanding payments**):

Omit section 49 (1), insert instead:

(1) A board may charge interest at a rate not exceeding the prescribed rate on so much of an amount as is due and payable to the board and remains unpaid:

- (a) for 30 days after service on the debtor of an account for, or which includes, that amount; or
- (b) for such longer period as the board may allow.

SCHEDULE 2—AMENDMENTS RELATING TO RATES

(Sec. 3)

(1) Section 3 (**Definitions**):

- (a) From paragraph (b) of the definition of “ratable land” in section 3 (1), omit “stock unit equivalents”, insert instead “stock units”.
- (b) From section 3 (1), omit the definition of “stock unit equivalent”, insert instead:

“stock unit” means:

- (a) for the purpose of determining an animal health rate—a stock unit determined in accordance with section 53; or
- (b) for the purpose of assessing carrying capacity—a stock unit determined in accordance with section 55;

(2) Section 53 (**Board may levy general and animal health rates**):

- (a) From section 53 (1) (b) (i), omit “stock unit equivalents”, insert instead “stock units determined in accordance with subsection (1B)”.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 2—AMENDMENTS RELATING TO RATES—*continued*

- (b) From section 53 (1) (b) (ii), omit “the number of prescribed stock unit equivalents”, insert instead “the prescribed number”.
- (c) After section 53 (1), insert:
- (1A) In determining the liability of an occupier of land for the animal health rate, a board must:
- (a) on the basis set out in subsection (1B), use the information provided in relation to stock in the return lodged by the occupier during the last preceding year under section 57, or the information provided by the occupier under section 58; or
 - (b) take action under section 58 if the occupier did not lodge a return under section 57 for the last preceding year.
- (1B) The basis for determining liability for the animal health rate is as follows:
- (a) 1 sheep at least 6 months old represents 1 stock unit;
 - (b) 1 goat at least 6 months old represents 1 stock unit;
 - (c) 1 deer at least 6 months old represents 1 stock unit;
 - (d) 1 pig of any age represents 1 stock unit;
 - (e) 1 large stock (except deer) at least 6 months old represents 10 stock units but, in the case of horses, only such horses as exceed 5 in number are to be taken into account.
- (3) Sections 54 (2) (b), 55 (2) and 56 (2):
Omit “stock unit equivalents”, wherever occurring, insert instead “stock units”.
- (4) Section 55 (Assessment of carrying capacity):
- (a) Omit section 55 (1), insert instead:
 - (1) A board must, for the purposes of this Act, assess carrying capacity by reference to stock units as follows:
 - (a) 1 wether of any breed and with 2 or more teeth represents 1 stock unit;
 - (b) 1 dry goat of any age represents 1 stock unit;
 - (c) 1 dry deer of any age represents 1 stock unit;

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 2—AMENDMENTS RELATING TO RATES—*continued*

- (d) 1 pig of any age represents 1 stock unit;
 - (e) 1 dry large stock (other than deer) of any age represents 10 stock units.
- (b) After section 55 (3) (b), insert:
- (b1) must not take into consideration the use of irrigation if the land is irrigated land used for permanent plantings of trees or vines; and
- (5) Section 57 (**Occupiers to lodge with board annual returns of land and stock**):
- From section 57 (10), omit “the person is to be treated as not having lodged the return for that year or immediately preceding year”, insert instead “the failure by the previous occupier becomes, except for the purposes of subsection (4), a failure by the person who becomes the occupier”.
- (6) Sections 62A, 62B:
- After section 62, insert:
- Payment of current rates by 4 instalments**
- 62A. (1) A board may, with the approval of the Minister, implement a system under which the person liable to pay to the board any rates levied during a year may pay those rates by instalments as provided by this section.
- (2) A person may not pay rates by instalments as provided by this section if any arrears of rates in respect of the land are not paid with the first instalment or earlier.
- (3) If a person pays an instalment of rates in accordance with this section, the board must accept the payment and has no power to recover or increase any other instalment not due for payment.
- (4) If an instalment of rates is not paid on or before the day provided for its payment:
- (a) the total amount of the instalments unpaid on that day becomes due and payable to, and recoverable by, the board; and
 - (b) the provisions of this Act relating to overdue rates apply in respect of the total amount unpaid.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 2—AMENDMENTS RELATING TO RATES—*continued*

(5) If payment of an instalment of rates is offered after its due date for payment and the board is of the opinion:

- (a) that a refusal by the board to accept the payment would cause hardship to the person liable to pay the rates; or
- (b) that the failure to pay the instalment on or before the due date for its payment was due to reasons beyond the control of the person so liable,

the board may accept payment of the instalment.

(6) The payment of an instalment which is accepted by a board under subsection (5) is taken to have been paid in accordance with this section.

Other payments of rates by instalments

62B. With the approval of the Minister, a board may adopt a procedure under which the board may:

- (a) agree to accept payment by instalments of rates due and payable by a person to the board; and
- (b) write off or reduce extra charges in respect of the rates, if the person complies with the terms and conditions of the agreement.

(7) Section 65A:

After section 65, insert:

Notification of change of address

65A. (1) If there is a change of postal address for:

- (a) the occupier of ratable land within a district; or
- (b) the owner of stock kept within a district,

the occupier or owner is guilty of an offence if the board for the district is not notified of the change within the next succeeding period of 1 month.

Maximum penalty: 10 penalty units.

(2) A person who becomes:

- (a) the occupier of ratable land within a district; or
- (b) the owner of stock kept within a district,

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 2—AMENDMENTS RELATING TO RATES—*continued*

is guilty of an offence if the board for the district is not notified of the postal address of the person within the next succeeding period of 1 month.

Maximum penalty: 10 penalty units.

(3) If there is a change of postal address for the proprietor of a means of identification of stock registered with a district registrar, the proprietor of the means of identification is guilty of an offence if the district registrar is not notified of the change within the next succeeding period of 1 month.

Maximum penalty: 10 penalty units.

(8) Section 73 (**Waiver, refund or writing off of rates**):

(a) After section 73 (3), insert:

(3A) A board may write off the whole of an amount owing to it for overdue rates or other costs or charges if the whole of the amount owing does not exceed \$10.

(b) After “any” in section 73 (4), insert “other”.

SCHEDULE 3—AMENDMENTS RELATING TO STOCK

(Sec. 3)

(1) Section 81 (**Specific responsibilities of a board in respect of travelling stock reserves**):

At the end of section 81 (1) (g), insert:

; and

(h) taking such steps as the board considers to be appropriate for proper land care, and the conservation of native trees, plants, birds and animals, within the reserve.

(2) Section 82 (**Trees growing in a travelling stock reserve not to be felled without the consent of the Forestry Commission**):

(a) After “was felled” in section 82 (5), insert “or any other travelling stock reserve within its district”.

(b) After section 82 (10), insert:

(11) Before a board decides whether or not to remove timber felled on a travelling stock reserve that adjoins a national park or a nature reserve, it is to consult the Director

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

of National Parks and Wildlife and may remove the timber only after giving due consideration to any representations made by the Director.

- (3) Section 85 (**Person not to use a travelling stock reserve except under a permit, licence or other authority**):

At the end of section 85 (1) (b), insert:

; or

- (c) engage in any other activity which damages, or is likely to damage, such a reserve,

- (4) Section 88 (**Restrictions on the movement of stock by vehicular transport**):

From section 88 (2), omit “the person conveying the stock is the holder of”, insert instead “a board has issued, and there is held by the person,”.

- (5) Section 90 (**Authority required for movement of walking stock**):

After section 90 (3), insert:

(3A) If a boundary of 2 rural lands protection districts is a public road or a travelling stock reserve, and the walking or grazing of stock on the road or reserve is authorised for one of the districts, the walking or grazing of stock is taken to be authorised for so much of the other district as comprises the road or reserve.

- (6) Section 92 (**Issue of walking stock permits**):

- (a) Omit section 92 (9), insert instead:

(9) A walking stock permit has effect only:

- (a) within the district of the board by which, or on behalf of which, it was issued; and
(b) within the district of any other board which gives written authority for the permit to have effect within its district,

except as provided by section 90 (3A).

- (b) After section 92 (9), insert:

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

(9A) If a board gives written authority for effect to be given within its district to a walking stock permit issued by another board, the fee paid for the permit is to be apportioned between the boards on a mutually agreed basis.

(7) Section 96 (**Display of signs when stock are grazing on or near a public road**):

After section 96 (3), insert:

(3A) It is a defence to a prosecution for an offence under subsection (1) if it is proved that:

(a) compliance with the subsection was not necessary because the presence of the stock did not result in any reasonably foreseeable danger to any person, animal or vehicle; or

(b) the failure to comply with the subsection was due to circumstances that were beyond the control of, and could not reasonably have been foreseen by, the person in charge of the stock.

(8) Section 98 (**Board may establish stock holding areas**):

(a) After “offence” in section 98 (10), insert “unless subsection (11) excludes the application of this section in relation to the stock”.

(b) After section 98 (10), insert:

(11) Subsection (10) does not apply in relation to unattended stock if:

(a) the stock are on a public road or travelling stock reserve which passes through occupied land; and

(b) there is no stock-proof fence separating the road or reserve from the occupied land; and

(c) the stock are under the control of the occupier of the land or have been left unattended with the authority of the occupier.

(9) Section 99 (**Use of stock licences**):

(a) Omit section 99 (1) (a), insert instead:

(a) to move walking stock over a public road or a travelling stock reserve between the hours of sunrise

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

and sunset on any day, if the entire journey to the final destination of the stock is undertaken between those hours on that day; or

- (b) Omit section 99 (1) (b).
- (10) Section 111 (**Impounding of abandoned, straying or trespassing stock**):
- (a) After “the watering place” in section 111 (2), insert “or, in the opinion of the caretaker or other person, abandoned or straying there”.
- (b) After “abandons stock” in section 111 (4) (a), insert “or stock are straying or trespassing”.
- (c) Omit section 111 (4) (b), insert instead:
- (b) in the case of abandoned or straying stock, the occupier of the occupied land has not consented to the stock being on the land,
- (d) From section 111 (4), omit “is, on the request of that occupier, required to impound the stock”, insert instead “may, on the request of that occupier, impound the stock”.
- (11) Section 114 (**Court to order payment of agistment fees in certain cases**):
- (a) From section 114 (1), omit “committed agistment fees at the rate specified in the regulations for the purpose of this subsection.”, insert instead:
committed:
- (a) agistment fees at the rate specified in the regulations for the purpose of this subsection; and
- (b) an amount sufficient to reimburse the board for any other expenses incurred by the board as a result of the offence.
- (b) In section 114 (2) and (3), after “fees”, wherever occurring, insert “and other expenses”.
- (12) Section 115 (**Prescribed officer may destroy abandoned or trespassing stock in certain circumstances**):
- After section 115 (3), insert:

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

- (4) The costs incurred by an officer of a board in destroying stock under this section after the commencement of this subsection are recoverable by the board as a debt owed to the board by the owner of the stock.
- (13) **Section 121 (Leases of stock watering places):**
After “such a lease,” in section 121 (2), insert “or transfer such a lease,”.
- (14) **Section 181 (Registration of brand designs for application to large stock):**
Omit section 181 (1), insert instead:
(1) Any person may apply to a district registrar for the allocation and registration of a brand design for use in relation to large stock.
- (15) **Section 183 (Registration of earmark designs for application to cattle or deer):**
Omit section 183 (1) insert instead:
(1) Any person may apply to a district registrar to be registered as the proprietor of an earmark design for use in relation to cattle or deer.
- (16) **Section 185 (Transfer of ownership of brand and earmark designs used for large stock):**
(a) From section 185 (1), omit “who keeps large stock within the district where the design is registered”.
(b) Omit section 185 (2).
(c) From section 185 (5) and (6), omit “appropriate district registrar” wherever occurring, insert instead “district registrar in whose register the design is registered”.
(d) Before “the current” in section 185 (5) (b) (ii), insert “if available,”.
- (17) **Section 190 (Registration of brand and earmark designs for application to small stock):**
(a) Omit section 190 (1), insert instead:
(1) Any person may apply to a district registrar to be registered as the proprietor of a specified brand design or a specified earmark design, or both, for use in relation to small stock.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 3—AMENDMENTS RELATING TO STOCK—
continued

- (b) From section 190 (5), omit “kept within the district”.
 - (c) From section 190 (6) (a), omit “kept within a district”.
- (18) Section 191 (**Transfer of brand and earmark designs used for small stock**):
- (a) From section 191 (1), omit “who keeps small stock within the district where the design is registered”.
 - (b) Omit section 191 (2).
 - (c) Before “the current” in section 191 (4) (b) (ii), insert “if available,”.
- (19) Sections 195 (1) and (2), 197 (1) (d):
Omit “6 months” wherever occurring, insert instead “12 months”.
- (20) Sections 196 (1), 197 (1) (b):
Omit “district concerned” wherever occurring, insert instead “district in which registration of the design is kept by the district registrar”.

SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS
ANIMALS AND NOXIOUS INSECTS

(Sec. 3)

- (1) Section 127 (**Board may order the occupier or owner of land to suppress and destroy noxious animals on the land**):
- (a) From section 127 (1), omit “employee of the board”, insert instead “person”.
 - (b) After “may” in section 127 (5), insert “, for the purposes of this section, whether or not a notice has been served under subsection (2)”.
 - (c) From section 127 (8) (b), omit “while on the land,”.
- (2) Section 129 (**Authorised officer of a board may destroy feral pigs found on vehicles**):
Omit section 129 (1), insert instead:
- (1) An authorised officer of a board who believes on reasonable grounds that a vehicle may contain a live feral pig:

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND NOXIOUS INSECTS—*continued*

- (a) may, if necessary, require the driver to stop the vehicle; and
- (b) may search the vehicle; and
- (c) may seize and destroy any live feral pig found on the vehicle,

unless the feral pig is being conveyed for the purpose of being destroyed in accordance with a requirement made under section 129A.

(3) Section 129A:

After section 129, insert:

Destruction of noxious animal may be required by authorised officer

129A. (1) An authorised officer:

- (a) may, except as provided by the regulations, require a person in possession of a live noxious animal to destroy the animal or move the animal to a specified place and there destroy it; and
- (b) if the person refuses or fails to comply with the requirement, may take the required action, whether or not it involves taking possession of the animal.

(2) For the purposes of this section, an authorised officer may enter any land (other than a dwelling-house) on which the officer reasonably suspects a person to be in possession of a live noxious animal.

(3) A person who fails to comply with a requirement made of the person under this section by an authorised officer is guilty of an offence, even if the action required is carried out by the officer instead of by the person.

Maximum penalty: 40 penalty units.

(4) Section 131 (Minister may permit the keeping of noxious animals):

After section 131 (4A), insert:

(4B) The Minister may, without written application or payment of a fee, grant the proprietor of a business permission to keep a specified number of noxious animals of a specified kind subject to compliance with conditions specified by the Minister when granting the permission.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 4—AMENDMENTS RELATING TO NOXIOUS ANIMALS AND NOXIOUS INSECTS—*continued*

- (5) Section 133 (**Miscellaneous offences involving noxious animals**):

After “offence” in section 133 (4), insert “, unless the feral pig is being conveyed for the purpose of being destroyed in accordance with a requirement made under section 129A”.

- (6) Section 141 (**Board may, by order, require an occupier to suppress and destroy noxious insect nymphs**):

After section 141 (1), insert:

(1A) Materials referred to in subsection (1) (b) are to be supplied by the board free of charge.

SCHEDULE 5—AMENDMENTS RELATING TO PENALTIES

(Sec. 3)

- (1) Sections 85 (1) and 90 (2):

Omit “20 penalty units” wherever occurring, insert instead “50 penalty units”.

- (2) Sections 93 (9) and 217 (3):

Omit “10 penalty units”, wherever occurring, insert instead “50 penalty units”.

- (3) Section 97 (**Control of stock on roads and reserves**):

From section 97 (2), omit “2 penalty units”, insert instead “10 penalty units”.

- (4) Section 106 (**Persons prohibited from depositing or abandoning rubbish, carcasses and other things on reserves**):

From section 106 (1), omit “20 penalty units”, insert instead “50 penalty units, unless more than one animal carcass is in any place found at the same time after being left or abandoned by the same person, in which case the maximum penalty is 50 penalty units for each carcass”.

- (5) Section 125 (**Offence to damage stock watering place etc.**):

From section 125 (1), omit “50 penalty units”, insert instead “100 penalty units”.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 5—AMENDMENTS RELATING TO PENALTIES—
continued

- (6) Sections 126 (4), 127 (4), 129 (2), 141 (4), 178, 199 (1), (3) and 209 (1), (2):
Omit “20 penalty units” wherever occurring, insert instead “50 penalty units”.
- (7) Section 133 (**Miscellaneous offences involving noxious animals**):
- (a) From section 133 (1) and (3), omit “10 penalty units” wherever occurring, insert instead “50 penalty units”.
- (b) From section 133 (2), omit “20 penalty units”, insert instead “50 penalty units”.
- (c) From section 133 (4), omit “100 penalty units”, insert instead “200 penalty units”.
- (8) Section 203 (**Owner of stock may be ordered to muster the stock**):
From section 203 (2), omit “10 penalty units”, insert instead “20 penalty units”.
- (9) Section 204:
Omit the section, insert instead:
Proceedings for offences
204. (1) Proceedings for an offence against this Act may be taken before a Local Court constituted by a Magistrate sitting alone or before the Supreme Court in its summary jurisdiction.
(2) The maximum penalty that may be imposed by a Local Court for an offence against this Act is 100 penalty units.
- (10) Section 206 (**Penalties to be paid to boards**):
From section 206 (1), omit “the registrar”, insert instead “other than an offence under section 30, the Clerk”.
- (11) Section 208 (**Offences relating to the provision of information in relation to certain matters**):
From section 208 (5), omit “20 penalty units”, insert instead “100 penalty units”.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 6—MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 22 (**District veterinarians**):

From section 22 (12), omit “Industrial Arbitration Act 1940”, insert instead “Industrial Relations Act 1991”.

(2) Section 50 (**Functions of the Council of Advice**):

After section 50 (6), insert:

(7) No matter or thing done in good faith for the purposes of this Act by:

- (a) the Council of Advice or a member of the Council of Advice; or
- (b) any person acting under the direction or authority of, or with the concurrence or approval of, the Council of Advice,

subjects the Council of Advice, a member of the Council of Advice or any person so acting to any action, liability, claim or demand.

(3) Section 215A:

After section 215, insert:

Cash payments

215A. If a person offers payment in cash of an amount payable to a board which is not a multiple of 5 cents, the board may round the amount down to the nearest multiple of 5 cents. The amount so rounded down is taken to be the amount due to the board.

(4) Section 217 (**Regulations**):

(a) Omit section 217 (2) (i), insert instead:

- (i) prescribe the functions of district registrars, and of secretaries and other employees of boards, in relation to the registration of brands and earmark designs and other means of stock identification;

(b) After section 217 (2) (y), insert:

- (z) the manner and form of making applications.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8SCHEDULE 6—MISCELLANEOUS AMENDMENTS—*continued*

- (5) Schedule 1, clause 2 (**Vacancy in office of director**):
- (a) From clause 2 (1) (c), omit “Minister”, insert instead “secretary of the board”.
 - (b) At the end of clause 2 (1) (h), insert:
 - ; or
 - (i) ceases to be qualified for appointment or election as a member of the board; or
 - (j) accepts employment by the board; or
 - (k) ceases for any other reason to be a member of the board before the expiration of his or her term of office.
 - (c) After clause 2 (1), insert:
 - (1A) The secretary of a board is to notify the Minister as soon as possible of any resignation of a director of the board of which the secretary has been notified.

**SCHEDULE 7—AMENDMENTS BY WAY OF STATUTE
LAW REVISION**

(Sec. 3)

- (1) The whole Act:
 - (a) Omit “Division of Animal Health” wherever occurring, insert instead “Division of Animal Industries”.
 - (b) Omit “and Fisheries” wherever occurring.
 - (c) Omit “of Veterinary Services” wherever occurring.
- (2) Section 33 (**Board in Eastern and Central Division to maintain a reserves improvement fund**):
 - From section 33 (3) (b), omit “the remuneration payable to”, insert instead “in paying the remuneration of”.
- (3) Section 41 (**Auditor-General may surcharge directors and employees of a board for improper expenditure**):
 - From section 41 (4), omit “officer”, insert instead “employee”.

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

**SCHEDULE 7—AMENDMENTS BY WAY OF STATUTE
LAW REVISION—*continued***

- (4) Section 68 (**Extra charges to be paid in respect of overdue rates**):
- (a) From section 68 (1), omit “at the rate per cent per year”, insert instead “as”.
 - (b) From section 68 (3), omit “months”, insert instead “30 day periods”.
 - (c) Omit section 68 (4).
- (5) Section 96 (**Signs to be displayed when stock are walking or grazing on or near a road and drivers’ responsibility**):
- From section 96 (5), omit “subclause”, insert instead “subsection”.
- (6) Section 97 (**Control of travelling stock on roads and reserves**):
- After “When” in section 97 (1), insert “travelling”.

**SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS
AND TRANSITIONAL PROVISIONS**

(Sec. 3)

Schedule 5 (Savings and transitional provisions):

- (1) Before clause 1 of Schedule 5, insert:

Part 1—Preliminary

Regulations

1A. (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the following Acts:

- this Act
- the Rural Lands Protection (Miscellaneous Amendments) Act 1993.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of repeal or amendment of the related provision of the Act concerned or a later day.

(3) To the extent that a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS AND
TRANSITIONAL PROVISIONS—*continued*

- (a) to affect, in a manner prejudicial to any person, the rights of the person existing before the date of publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of publication.

**Part 2—Provisions consequential on the enactment
of this Act**

- (2) Omit clause 40 of Schedule 5, insert instead:

**Part 3—Provisions consequential on the enactment
of the Rural Lands Protection (Miscellaneous
Amendments) Act 1993**

Definition

40. In this Part:

“**1993 Act**” means the Rural Lands Protection (Miscellaneous Amendments) Act 1993.

Casual vacancies on board

41. Section 21, as amended by Schedule 1 (6) to the 1993 Act, does not apply in relation to a director holding office on the commencement of the amendment or a director elected at an election for which the closing day for nomination of candidates is earlier than that commencement.

Temporary district veterinarians

42. A temporary district veterinarian holding office under section 23 immediately before the amendment of that section by Schedule 1 (7) to the 1993 Act is taken to have been appointed by the Chief of the Division of Animal Industries.

Registration of brand design

43. (1) The registration of a brand design in force under section 181 immediately before the amendment of that section by Schedule 3 (14) to the 1993 Act is taken to have been effected under that section as amended by that Schedule.

(2) An application for registration of a brand design pending immediately before the amendment of section 181 by Schedule 3 (14) to the 1993 Act is taken to be an

Rural Lands Protection (Miscellaneous Amendments) Act 1993 No. 8

SCHEDULE 8—AMENDMENTS RELATING TO SAVINGS AND
TRANSITIONAL PROVISIONS—*continued*

application for registration under that section as amended by that Schedule.

Registration of earmark design

44. An application for registration of an earmark design pending immediately before the amendment of section 183 by Schedule 3 (15) to the 1993 Act is taken to be an application for registration under that section as amended by that Schedule.

Death of registered proprietor of brand or earmark design

45. If, immediately before the amendment of sections 195 and 197 by Schedule 3 (19) to the 1993 Act, a period of 6 months referred to in section 195 (1) or (2), or section 197 (1) (d), had not expired, the period of 6 months is extended to a period of 12 months.

Extra charges for overdue rates

46. Section 68, as amended by Schedule 7 (4) to the 1993 Act, does not affect an increase made before the commencement of the amendment but otherwise applies to a rate or part of a rate unpaid immediately before that commencement.

[Minister's second reading speech made in—
Legislative Assembly on 2 March 1993
Legislative Council on 20 April 1993]