

**RURAL LANDS PROTECTION REGULATION 1995**  
under the  
**RURAL LANDS PROTECTION ACT 1989**

UPDATED 4 JANUARY 1999

INCLUDES AMENDMENTS (SINCE GAZETTAL OF 1.9.1995) BY:

Erratum published in Gazette No. 113 of 15.9.1995, p. 6724  
Gazette No. 62 of 27.3.1998, p. 1905  
Gazette No. 120 of 14.8.1998, p. 6051  
Gazette No. 176 of 18.12.1998, p. 9795

-----  
NOTE: The Regulation is to be repealed on the commencement of sec. 245 (2) of the Rural Lands Protection Act 1998 No. 143.  
-----

NOTE: For Forms 2–4 in Schedule 1 see Gazette No. 105 of 1.9.1995, pp. 5883–5886  
For Diagrams A, B and C in Parts 2 and 3 of Schedule 3 see Gazette No. 105 of 1.9.1995, pp. 5889, 5890  
For Schedules 6 and 7 see Gazette No. 105 of 1.9.1995, pp. 5894–5896  
For Schedule 9 see Gazette No. 105 of 1.9.1995, pp. 5898–5905

|   |
|---|
| <b>DISCLAIMER</b>   |
| The New South Wales Legislation published by the Government Information Service in the form of diskettes or on-demand prints is produced from the Legislation Database compiled and maintained by the New South Wales Parliamentary Counsel's Office. |
| No warranty is given that the database is free from error or omission. Furthermore, as the database has been prepared from hard copy, the accuracy of the conversion to electronic form cannot be guaranteed.   |
| Accordingly, the State of New South Wales and its servants and agents expressly disclaim liability for any act done or omission made in reliance on the information in the database and any consequences of any such act or omission.                 |

# RURAL LANDS PROTECTION REGULATION 1995

under the

## RURAL LANDS PROTECTION ACT 1989

[Reprinted as at - not reprinted]  
UPDATED 4 JANUARY 1999

NEW SOUTH WALES

[STATE ARMS]

### TABLE OF PROVISIONS

#### PART 1—PRELIMINARY

1. Citation
2. Commencement
3. General definitions
4. Extended definition of ``stock''

#### PART 2—RURAL LANDS PROTECTION DISTRICTS AND BOARDS

##### Division 1—Elections

5. Definitions: election provisions
6. Appointment of returning officer and poll clerk
7. Closing date for nominations and notice of election
8. How candidates are to be nominated
9. What happens after close of nominations
10. What happens if candidate dies or withdraws consent to nomination
11. Where roll of electors is to be kept
12. Personal details of candidates to be sent to electors in certain cases
13. How polling at election is to be conducted
14. Duties of returning officer with respect to ballot-box
15. Appointment of scrutineers
16. Candidates or candidate with most votes to be elected
17. Returning officer to produce list of electors for scrutineers
18. When ballot papers to be treated as ``informal''
19. How votes cast at election are to be counted
20. What is to happen when votes are equal
21. Returning officer to publish result of election
22. Duties of returning officer after election
23. Offences relating to elections
24. Excluded dates for closing enrolments and candidates' nominations
25. Administrator to hold general election of directors when directed

#### Division 2—Proceedings of board

- 26. Proceedings of board: minutes and voting
- 27. What is to happen if votes for chairperson or deputy chairperson are equal
- 28. Contents and use of board's common seal

#### Division 3—Accounts

- 29. Board to keep accounts
- 30. What can be paid out of board's rural lands protection fund
- 31. Appointment of auditors
- 32. Duties of auditors
- 33. Interest rate on outstanding payments

### PART 3—RATES

- 34. Making and levying rates
- 35. Minimum stock units
- 36. Returns of land and stock
- 37. Notice to owner for information in respect of land and stock
- 38. Appeal to local land board against determination of carrying capacity
- 39. Changes of occupancy of ratable land to be notified
- 40. Secretary to record changes of occupancy
- 41. Property search inquiries
- 42. Appeal against validity of rate
- 43. Prescribed rate for overdue rates
- 44. Rate record
- 45. Minimum area of ratable land
- 46. Board to forward meat industry levies to Meat Industry Authority
- 47. Board to forward noxious insect levies to Director-General
- 48. Purposes for which information provided under section 57 or 58 of the Act may be used
- 49. Certain areas to be exempt from rates

### PART 4—TRAVELLING STOCK RESERVES AND TRAVELLING STOCK

#### Division 1—General management of travelling stock reserves

- 50. Prescribed activities for purposes of section 86 of the Act
- 51. Offences on travelling stock reserves
- 52. Authorised uses for travelling stock reserves
- 53. Closure of travelling stock reserves for certain uses
- 54. Notice to be given before applying pesticides to travelling stock reserves
- 55. Access to tanks on travelling stock reserves and stock watering places
- 56. Restrictions on camping on travelling stock reserves
- 57. Use of water provided on travelling stock reserves
- 58. Deduction from board's reserves improvement fund or stock watering places fund for administrative expenses

#### Division 2—Stock transported by vehicle

- 59. Who is to be person in charge of stock transported by vehicle?
- 60. Exemptions: transported stock statements
- 61. How transported stock statements are to be filled out
- 62. How used transported stock statements are to be distributed and disposed of
- 63. Fees payable for transported stock statements
- 64. No remuneration to be paid for issue of transported stock statement
- 65. Person in charge of transported stock to give name and other particulars

#### Division 3—Walking and grazing stock

- 66. Prescribed form for walking stock permits

- 67. Exemptions: walking stock permits
- 68. Fees payable for walking stock permits
- 69. Walking stock permit books to be returned to board
- 70. Ranger to be given advance notice of proposed travel of walking stock
- 71. Restrictions on walking stock on certain roads and reserves
- 72. Walking stock to follow specified route
- 73. Route for walking stock may be varied in certain cases
- 74. Permitted hours for walking stock
- 75. Prescribed rate of travel of walking stock to be maintained
- 76. When walking stock regarded as trespassing on road or travelling stock reserve
- 77. Agistment fees to be paid for certain walking stock
- 78. Agistment fees payable in other cases
- 79. Walking stock to be held in stock holding area at night
- 80. Signs required for stock holding area
- 81. Stock not to camp on road or travelling stock reserve during short distance travel
- 82. Requirements for display of stock warning signs on public road when stock moved more than 1 kilometre
- 83. Requirements for display of stock warning signs on public road when stock moved not more than 1 kilometre
- 84. Requirements for display of stock warning signs when unfenced road passes through certain land
- 85. Requirements for stock warning signs to be displayed at night
- 86. Stock warning signs to apply to stock animals of all kinds
- 87. Authorised officer can remove certain stock warning signs
- 88. Board may mark stock warning signs for identification purposes
- 89. Person in charge to ensure stock are adequately controlled
- 90. Board or authorised officer may give directions about walking stock
- 91. Conditions of walking stock permits
- 92. Person in charge not to leave stock unattended
- 93. Commissions payable to permit officers
- 94. Penalty fee—movement of walking stock
- 95. Fees for grazing permits
- 96. Conditions of temporary grazing permits
- 97. Disposal of carcasses required
- 98. Purposes for which stock holding authority can be issued

#### Division 4—Stock licences

- 99. Issue and revocation of stock licences
- 100. What stock licences can be used for

#### Division 5—Apiary sites on travelling stock reserves

- 101. Penalty fee for unauthorised use of apiary site

#### Division 6—Matters concerning prescribed officers

- 102. Definition: "prescribed officer"
- 103. Duties of prescribed officers
- 104. Obligation of person on ceasing to be prescribed officer

### PART 5—ABANDONED AND TRESPASSING STOCK

- 105. How board pound is opened and closed
- 106. Board's responsibilities for pound
- 107. Public responsibilities of poundkeeper
- 108. Poundkeeper to give notice of impounded animal
- 109. Poundkeeper to ensure well-being of impounded animals
- 110. Board to display notice of fees and charges at pound
- 111. How long animal may be kept before being formally impounded

- 112. When seized or detained animal can be released to owner
- 113. Applicant for release of impounded animal to provide certain information
- 114. When impounded animals can be sold
- 115. When abandoned or trespassing stock can be destroyed

#### PART 6—STOCK WATERING PLACES

- 116. Approval for construction work at stock watering place in Western Division
- 117. Alternative means for leasing stock watering places
- 118. Persons and stock entitled to water from stock watering place
- 119. Controlling authority to provide notice board
- 120. Water not to be taken from stock watering place without authority
- 121. Equipment at stock watering place not to be interfered with
- 122. Duties of persons in charge of stock at stock watering place
- 123. Person not to remain at stock watering place longer than necessary
- 124. Offence to obtain water from stock watering place when depth below certain level

#### PART 7—NOXIOUS ANIMALS

- 125. Definitions
- 126. Methods for destroying noxious animals
- 127. Charge for inspecting land subject to noxious animal suppression order
- 128. Noxious animals that can be kept with Minister's permission
- 129. What fees are payable for permission to keep noxious animals
- 130. Applications for permission to keep noxious animals can be referred to boards
- 131. One rabbit can be kept per household
- 132. Conditions for keeping rabbits for research purposes

#### PART 8—CONTROL OF PEST ANIMALS

- 133. Maximum amount payable as inspection charges
- 134. Time for payment of inspection charges and expenses
- 135. Interest rate applicable to overdue inspection charges and expenses

#### PART 9—CONTROL OF NOXIOUS INSECTS

- 136. Prescribed method for suppression and destruction of noxious insects
- 137. Information about noxious insects to be supplied by occupier of land

#### PART 10—RABBIT, DOG AND MARSUPIAL PROOF FENCES

- 138. Application to local land board for decision or determination
- 139. Reference of proceedings directly to local land board if Minister is moving party
- 140. Assessment of claim for contribution towards cost of fencing
- 141. Contribution of Crown towards cost of fencing
- 142. Assessment of claim for contribution towards cost of maintaining or repairing certain fences

#### PART 11—IDENTIFICATION OF STOCK

##### Division 1—Large stock

- 143. Application for registration of board brand design for large stock
- 144. Allocation of board brand designs
- 145. Application for registration of symbol brand design for large stock
- 146. Application for registration of earmark design for cattle or deer
- 147. Application for registration of transfer of brand or earmark design for large stock
- 148. Construction requirements for branding instruments for use on large stock
- 149. Parts of large stock animal to which registered brand or earmark can be applied
- 150. Dimensions for earmarks to be applied to cattle or deer: construction requirements for ear pliers
- 151. Use of distinctive brands and earmarks on large stock animals

- 152. Issue of certificates of particulars of large stock brand designs
- 153. Directory of symbol brand particulars

#### Division 2—Small stock

- 154. Application for registration of brand or earmark designs for small stock
- 155. Application for registration of transfer of brand or earmark design for small stock
- 156. Construction requirements for branding instruments for use on small stock
- 157. Parts of small stock animal to which registered brand can be applied
- 158. Construction requirements for ear pliers for use on small stock animals
- 159. To which ear of small stock animal can registered earmark be applied?
- 160. To which ear of small stock animal can distinctive earmark be applied?
- 161. Certain sheep and goats to be exempt from requirements of section 188 of the Act
- 162. Notice concerning possession of unlawfully branded or earmarked stock
- 163. Colour brands for use on small stock

#### Division 3—Provisions applicable to both large and small stock

- 164. Maximum fee payable when application deals with 2 or more designs
- 165. Register of brand and earmark designs
- 166. Registration of brand or earmark design belonging to deceased proprietor
- 167. Annual fee to be paid by proprietor of registered design who is not local ratepayer
- 168. Notice of intention to cancel registration of brand or earmark design

### PART 12—MISCELLANEOUS

- 169. What qualifications district veterinarians must have
- 170. Information to be included in annual report prepared by Council of Advice
- 171. Persons and offences prescribed for purposes of the Act
- 172. Short descriptions of offences
- 173. Notes in text
- 174. Repeal of Rural Lands Protection Regulation 1990
- 175. Savings provision

#### SCHEDULE 1—FORMS

#### SCHEDULE 2—MINIMUM AREA OF RATABLE LAND

#### SCHEDULE 3—SIGNS

#### SCHEDULE 4—FEES AND CHARGES RELATING TO IMPOUNDING OF STOCK

#### SCHEDULE 5—PARTICULARS TO BE INCLUDED IN CERTAIN FORMS

#### SCHEDULE 6—CHARACTERS TO BE USED IN BOARD BRAND DESIGNS TO IDENTIFY RURAL LANDS PROTECTION DISTRICT

#### SCHEDULE 7—CHARACTERS TO BE USED IN BOARD BRAND DESIGNS TO IDENTIFY PROPRIETORS

#### SCHEDULE 8—PARTS OF LARGE STOCK ANIMALS ON WHICH REGISTERED BRAND DESIGNS MAY BE PLACED

#### SCHEDULE 9—NAMES, SHAPES AND SIZES OF EARMARK DESIGNS

#### SCHEDULE 10—PENALTY NOTICE OFFENCES AND SHORT DESCRIPTIONS

## NEW SOUTH WALES

### [STATE ARMS]

#### PART 1—PRELIMINARY INTRODUCTORY NOTE

This Part contains machinery provisions specifying the name of the Regulation and the date from which it is to operate. It also contains definitions of expressions that are used in the Regulation. It should be noted that expressions defined in the Rural Lands Protection Act 1989 ("the Act") have the same meanings in the Regulation as they have in the Act.

#### Citation

1. This Regulation may be cited as the Rural Lands Protection Regulation 1995.

#### Commencement

2. This Regulation commences on 1 September 1995.

#### General definitions

3. (1) In this Regulation:

"accounts" of a board include its income and expenditure account and balance sheet;

"authorised officer" means (except in Part 7) a ranger appointed by a board, or some other person appointed by a board for the purpose of exercising the function to which the relevant provision relates;

"caretaker" means the person appointed by the controlling authority of a stock watering place to look after the place;

"character" includes a letter, conjoined letters, a numeral and a sign;

"director" means a director of a board;

"Eastern and Central Division" means the Eastern and Central Division as defined in section 4 of the Crown Lands Act 1989 for the purposes of that Act;

"local authority" means the council of a local government area;

"local lands office", in relation to land, means the office for the local land board of the land district concerned;

"manager" means the manager or acting manager of a local lands office;

"record" includes book, account, deed, writing, document and any other source of information compiled, recorded or stored in written form, or on microfilm, or by electronic process, or in any other manner or by any other means;

"roll of voters" means the roll of voters for a district or, when a district is divided into divisions, the roll of voters for the division;

"secretary" means the secretary of a board;

"the Act" means the Rural Lands Protection Act 1989 and includes this Regulation;

"veterinary surgeon" means a veterinary surgeon registered under the Veterinary Surgeons Act 1986;

"Western Division" means the part of New South Wales that is within the Western Division, as defined by the Crown Lands Consolidation Act 1913 immediately before its repeal.

- (2) A reference in this Regulation to a Form followed by a number is a reference to the Form of that number contained in Schedule 1.

Extended definition of ``stock"

4. For the purposes of the definition of ``stock" in section 3 (1) of the Act:

- (a) deer are declared to be stock in relation to the operation of Parts 4 and 7 of the Act; and
- (b) donkeys, asses, water buffaloes and camels are declared to be stock in relation to the operation of Parts 6, 7 and 8 of the Act; and
- (c) pigs are declared to be stock in relation to the operation of sections 90, 93, 96 and 98 of the Act.

Notes. Part 4 of the Act deals with the levying of general and animal health rates for the purposes of the Act.

Part 6 of the Act deals with travelling stock and travelling stock reserves.

Part 7 of the Act deals with abandoned and trespassing stock.

Part 8 of the Act deals with stock watering places.

Section 90 of the Act prohibits a person from moving walking stock over a public road or travelling stock reserve except under the authority of a walking stock permit or grazing permit.

Section 93 of the Act empowers a board to issue grazing permits authorising the permit holders to graze their stock on travelling stock reserves under the board's control.

Section 96 of the Act requires the person in charge of stock to display stock warning signs when stock are walking or grazing on or near a public road.

Section 98 of the Act deals with stock holding areas (which are areas designed to prevent stock from straying). The section prohibits a person in charge of stock from leaving the stock unattended at a place on a public road or travelling stock reserve other than a stock holding area or place specified in the relevant walking stock permit or in circumstances other than those prescribed by regulations under the Act.

## PART 2—RURAL LANDS PROTECTION DISTRICTS AND BOARDS

### INTRODUCTORY NOTE

This Part contains provisions that supplement Part 2 of the Act (which deals with Rural Lands Protection Boards established by section 6 of the Act). Those provisions deal with the election of members of boards, including how candidates for election are to be nominated, the appointment of returning officers and polling clerks and their duties in connection with the holding of board elections and the procedures for holding those elections. The Part also deals with the proceedings of boards and sets out requirements about boards' common seals. Other provisions are designed to supplement Division 7 of Part 2 of the Act (Financial provisions). Those provisions deal with boards' accounting records and the appointment of auditors and their duties.

### Division 1—Elections

#### Introductory Note

Section 14 (1) of the Act requires a board to hold a general election of directors of the board every 4 years. Section 14 (5) provides for the election (or failing election, the appointment) of directors to a board when a general election of directors has failed.

Definitions: election provisions

5. In this Division:

``candidate" means a candidate for election as a director of a board;

``election" means:

- (a) a general election of directors of a board held or to be held under Division 4 of Part 2, or section 43, of the Act; or
- (b) an election held or to be held under that Division to fill a casual vacancy in the office of a director of a board;

``polling day" means the day fixed for the holding of a general election or an election to fill a casual vacancy;

``returning officer" means the returning officer for an election.

Notes. Division 4 of Part 2 of the Act deals with the election of persons as directors of boards.

Section 43 of the Act requires an administrator of a board's affairs to hold a general election of directors when required to do so by the Minister.

Appointment of returning officer and poll clerk



6. (1) The secretary of a board is to be the returning officer for an election of directors, or a director, of that board.

(2) The Minister must appoint a person to be the returning officer for an election if no person holds office as secretary of that board or the person holding office as secretary is absent or is temporarily suspended from office.

(3) If a returning officer is unable to carry out his or her duties on polling day, the chairperson of the board concerned may appoint a person to act as returning officer in his or her place. An administrator of the affairs of a board under section 42 of the Act may exercise the power of the chairperson of the board under this subclause.

(4) The returning officer for an election may appoint a person to be poll clerk to assist in the conduct of the election. ("returning officer" includes an acting returning officer.)

Note. Section 42 of the Act empowers the Governor to appoint a person to manage the affairs of a board in certain circumstances.

#### Closing date for nominations and notice of election

7. (1) As soon as practicable after being notified of the polling day and not less than 50 days before that day, the returning officer must fix a closing date for the nomination of candidates. That date must be at least 35 days before polling day.

(2) The returning officer must also give notice of:

- (a) the election, specifying whether it is a general election or an election to fill a casual vacancy; and
- (b) the date of the polling day; and
- (c) the number of directors to be elected; and
- (d) the place at which written nominations of candidates for election are to be lodged; and
- (e) the closing date for the nomination of candidates.

(3) The notice must be given by advertising it in at least one newspaper circulating in the district for which the election is to be held.

#### How candidates are to be nominated

8. (1) A candidate for a district or division of a district must be nominated in writing by not fewer than 2 persons each of whom is, at the time of nomination, enrolled to vote for the district, or for the division of the district, for which the election is to be held.

(2) A person nominated as a candidate must endorse the person's consent to nomination on the nomination paper provided by the board concerned.

(3) A nomination paper is invalid unless it:

- (a) complies with subclause (2); and
- (b) is delivered to the office of the board concerned at or before 4 p.m. on the closing date for nominations.

(4) An employee of a board is not eligible to be nominated as a candidate for election as a director of that board.

#### What happens after close of nominations

9. (1) If, at the close of nominations, the number of persons that have been duly nominated is equal to the number of directors to be elected, the returning officer must immediately declare each of the candidates to be elected as a director.

(2) If, at the close of nominations, the number of persons that have been duly nominated is less than the number of directors to be elected, the returning officer must immediately declare each of the candidates to be elected as a director. Subject to section 14 (5) of the Act, the unfilled positions are to be dealt with as casual vacancies.

(3) If, at the close of nominations, the number of persons that have been duly nominated is greater than the number of directors to be elected, the returning officer must immediately make arrangements for a poll to be held for the election.

(4) Those arrangements include publishing notice of:

- (a) the election, specifying whether it is a general election or an election to fill a casual vacancy; and
- (b) the date of the polling day; and
- (c) the number of directors to be elected; and

- (d) the names of the persons nominated as candidates and, if the district is divided into divisions, the division for which each of those persons is nominated; and
- (e) the place at which special enrolment applications are to be lodged; and
- (f) the closing date for lodging completed special enrolment applications.

That closing date must be at least 20 days before the polling day.

(5) The notice must be published by advertising it in at least one newspaper circulating in the district for which the election is to be held.

What happens if candidate dies or withdraws consent to nomination

10. (1) If, on the closing date for lodging special enrolment applications, the number of candidates nominated for election has been reduced (either by death or withdrawal of consent to nomination) to a number equal to the number of directors to be elected, the returning officer must declare each of the remaining candidates to be elected as a director.

(2) If, on the closing date for lodging special enrolment applications, the number of candidates nominated for election has been reduced (either by death or withdrawal of consent to nomination) to a number less than the number of directors to be elected, the returning officer must declare each of the remaining candidates to be elected as a director. Subject to section 14 (5) of the Act, the remaining positions are to be dealt with as casual vacancies.

(3) If, on the closing date for lodging special enrolment applications, the number of candidates nominated for election has not been reduced to a number equal to or less than the number of directors to be elected, a poll must be taken to determine which of the candidates is or are to be elected.

(4) A candidate for election can withdraw consent to nomination but only by delivering to the returning officer a notice of withdrawal signed by the candidate.

Where roll of electors is to be kept

11. (1) A board must keep its roll of electors at its principal place of administration.

(2) Any person who wishes to do so is, subject to subclause (3), entitled to inspect a board's roll of electors at any time during which the board's principal place of administration is open for business.

(3) The secretary or returning officer of a board may close the board's roll of electors for inspection for a period not exceeding 48 hours:

- (a) when the roll is being brought up-to-date; or
- (b) when the roll is being used to prepare and dispatch ballot papers; or
- (c) when the roll is being used to prepare a copy for use in connection with an election.

(4) A board's roll of electors may be kept in electronic form and may form part of any other record kept by the board.

Personal details of candidates to be sent to electors in certain cases

12. (1) The board, in the case of an election required to be held by a board, or the administrator, in the case of an election required to be held by an administrator under section 43 of the Act, may direct that this clause apply to the election.

(2) When this clause applies to an election, the returning officer must notify each of the candidates for election that the candidate is entitled to submit to that officer by a date specified in the notice a summary of personal particulars of the candidate, not exceeding 250 words.

(3) The returning officer must send by post or deliver to the persons to whom ballot papers are required to be sent or delivered those summaries that have been submitted to that officer by the date referred to in subclause (2). Summaries may accompany the relevant ballot papers.

Note. Section 43 of the Act requires an administrator of a board's affairs to hold a general election of directors when required to do so by the Minister.

How polling at election is to be conducted

13. (1) The poll for an election must be held in the manner specified in this clause.

(2) The returning officer must immediately after the closing date for lodging completed special enrolment applications send by post or deliver a ballot paper to every person who is entitled to vote at the election.

(3) A ballot paper must:

- (a) be in accordance with Form 1; and
- (b) contain the full names and addresses of all the candidates for election; and

- (c) be signed or initialled by the returning officer before being issued to the elector.
- (4) A ballot paper must also be accompanied:
  - (a) by an envelope addressed to the returning officer at the principal place of administration of the relevant board and endorsed with the words "[name of board] Rural Lands Protection Board Ballot Paper, Division [name of division]" and on which appear the words, legibly printed or written in a prominent position "Elector to sign here ..... " and "Elector to print name here .... "; and
  - (b) by another envelope endorsed with the words "[name of board] Rural Lands Protection Board Ballot Paper, Division [name of the division]".
- (5) Each elector is entitled to cast one vote for each director to be elected at the election.
- (6) An elector votes at an election:
  - (a) by inserting a tick in the appropriate square located after the name of the candidate or candidates for whom the elector wants to vote (but so that the number of such candidates is not greater than the number of directors to be elected); and
  - (b) by signing and printing his or her name in the space provided on the envelope referred to in subclause (4) (a).
- (7) The elector must then:
  - (a) place the ballot paper in the envelope referred to in subclause (4) (b); and
  - (b) enclose that envelope in the envelope referred to in subclause (4) (a); and
  - (c) send, by post or other means, or deliver the envelope containing the ballot paper to the returning officer, so that the returning officer can receive the ballot paper not later than the polling day.
- (8) The returning officer must, immediately on receiving an envelope containing a ballot paper, deposit the envelope unopened in the ballot-box provided for the purpose.
- (9) If an elector to whom a ballot paper has been sent or delivered satisfies the returning officer that:
  - (a) the ballot paper has been spoilt, lost, destroyed or mislaid; and
  - (b) the elector has not already voted at the election,
 the returning officer may, at any time before the closing of the poll, issue a duplicate ballot paper to the elector.
- (10) The returning officer must keep a record of all duplicate ballot papers that the returning officer issues under this clause.
- (11) If an elector who is unable to read or write because of blindness tells the returning officer about the blindness before the closing of the poll and asks the returning officer to mark the ballot paper for the elector, the returning officer must mark the elector's ballot paper as the elector directs. However, the marking of the ballot paper must take place in the presence of the poll clerk (if any) and of such of the scrutineers as are present or some other responsible person. The elector must personally seal down and post, or place in the ballot-box, the ballot paper marked in accordance with this subclause.
- (12) The returning officer must keep a record of all votes recorded in accordance with subclause (11).
- (13) The ballot paper of an elector who cannot write or cannot write the characters of the English language is valid only if the mark on the ballot paper is attested by a justice of the peace or the returning officer.

#### Duties of returning officer with respect to ballot-box

14. When presiding at an election, a returning officer is responsible for:

- (a) providing a locked ballot-box with an opening capable of receiving the ballot papers; and
- (b) keeping the key to the ballot-box; and
- (c) ensuring the safe custody of the ballot-box until the close of the election.

#### Appointment of scrutineers

15. Each candidate may appoint one person (but no more) to be scrutineer at the place at which the ballot papers are to be counted. Such an appointment is effective only if it is in writing.

#### Candidates or candidate with most votes to be elected

16. (1) The candidates to be elected at an election as directors of the board are the candidates who receive the highest numbers of votes for the number of directors to be elected.

- (2) This clause is subject to clause 20.

Examples: At a general election to fill the positions of all 8 directors of a board, the 8 candidates who receive the 8 highest numbers of votes are to be elected. At an election to fill a single casual vacancy as director of a board, the candidate to be elected is the one who receives the highest number of votes.

Returning officer to produce list of electors for scrutineers

17. Immediately before opening a ballot-box, the returning officer must produce for the information of the scrutineers an alphabetical list of all electors to whom ballot papers have been delivered or posted. The returning officer must sign the list.

When ballot papers to be treated as "informal"

18. At the scrutiny of the ballot papers, the returning officer must reject as informal every ballot paper that:

- (a) does not comply with clause 13 (3); or
- (b) is manifestly irregular; or
- (c) has placed marks opposite the names of a greater number of candidates than the number of directors to be elected; or
- (d) is so inadequately filled out that the intention of the elector cannot be ascertained with certainty.

How votes cast at election are to be counted

19. (1) As soon as practicable after polling day, the returning officer must, in the presence of the poll clerk (if any) and of any scrutineers that are present, open the ballot-box or boxes.

(2) The returning officer must not leave the place where the ballot papers are being examined until after the declaration of the poll unless the ballot papers, and all other papers and envelopes connected with the election, are securely locked in a secure container which has been sealed by the returning officer in the presence of witnesses.

(3) After the ballot-boxes have been opened, the returning officer must, with the assistance of the poll clerk (if any), do the following:

- (a) count the envelopes unopened and record the number counted;
- (b) in respect of each envelope bearing an elector's signature, mark off the elector's name appearing on the roll of electors by drawing a line through that name;
- (c) examine the envelope and, if it has not been signed, or if the signature and name printed on the envelope are not in order:
  - (i) reject the ballot paper; and
  - (ii) mark the envelope "informal"; and
  - (iii) keep separate all envelopes so marked;
- (d) open the envelopes which have not been marked "informal", take from them the sealed envelope endorsed "[name of board] Rural Lands Protection Board Ballot Paper, Division [name of division]", and without opening those envelopes and ensuring that no other person does so, put them aside for further scrutiny;
- (e) when all the envelopes have been dealt with in this manner, open the sealed envelopes put aside for further scrutiny and:
  - (i) remove the ballot papers; and
  - (ii) scrutinise the ballot papers; and
  - (iii) reject such of the ballot papers as are found to be informal;
- (f) count the number of formal votes recorded for each candidate, and make out and sign a written statement containing the number in words as well as figures, of the votes for each candidate;
- (g) arrange for the statement to be counter-signed by any scrutineers who were present at the counting and who consent to sign the statement.

(4) As soon as practicable after the counting of the ballot papers is finished, the returning officer must:

- (a) publicly declare:
  - (i) the numbers of votes cast for each of the candidates; and
  - (ii) the name or names of the candidate or candidates elected; and
- (b) then certify in writing:
  - (i) the name or names of the candidate or candidates declared to be elected; and
  - (ii) the date of the declaration of the results of the election.

Immediately afterwards, the returning officer must send by post or deliver the certificate to the chairperson (if any) of the relevant board. If an administrator of the affairs of a board is holding office under section 42 of the Act, the returning officer must send by post or deliver the certificate to the administrator.

Note. Section 42 of the Act empowers the Governor to appoint a person to manage the affairs of a board in certain circumstances.

What is to happen when votes are equal

20. (1) If at an election one position as director remains to be filled after all of the votes have been counted and the number of votes for 2 or more candidates who are contending for that position is equal, the returning officer must decide by lot which of the candidates is to be elected.

(2) The returning officer must carry out the drawing of lots in the presence of the poll clerk (if any) and of such scrutineers as wish to be present.

(3) If no poll clerk or scrutineer is available, the returning officer must carry out the drawing of lots in the presence of some other responsible person.

Returning officer to publish result of election

21. As soon as practicable after declaring the result of an election, the returning officer must publish the result in at least one newspaper circulating in the district concerned.

Duties of returning officer after election

22. As soon as practicable after declaring the result of an election, the returning officer must do the following:

- (a) make up in one packet all the ballot papers, and all envelopes (including those marked "informal"), together with the alphabetical list of electors signed by the returning officer;
- (b) securely fasten and seal up the packet and permit the scrutineers present to seal the packet if they want to do so;
- (c) after sealing the packet, endorse on it a description of the contents and the name of the district concerned and the date of the poll;
- (d) sign the endorsement;
- (e) retain the sealed packet in a place of safe custody until the end of the next general election of directors for that board.

Offences relating to elections

23. (1) A person who votes more than once at the same election is guilty of an offence, unless the person is qualified to vote in more than one division and votes in each of those divisions only once.

Maximum penalty: 10 penalty units.

(2) A person who makes use of any ballot paper sent or delivered to another person is guilty of an offence.

Maximum penalty: 10 penalty units.

(3) A person who allows the person's ballot paper to be used by another person is guilty of an offence.

Maximum penalty: 10 penalty units.

(4) A returning officer or any scrutineer who, in the performance of his or her duties at or concerning an election, finds out the name of the candidate for whom an elector has voted at the election must not, by any means whatever, directly or indirectly divulge or help any other person to discover that information.

Maximum penalty: 10 penalty units.

(5) In proceedings for an offence against subclause (4), it is a defence to prove that the information was given in answer to some question that the returning officer or scrutineer is legally bound to answer.

(6) A scrutineer who:

- (a) makes a mark on a list of electors used at an election; or
- (b) makes a note or record, so that the candidate for whom an elector has voted at an election can be identified,

is guilty of an offence.

Maximum penalty: 10 penalty units.

Excluded dates for closing enrolments and candidates' nominations

24. For the purposes of section 16 (2) (b) of the Act, none of the days of July or August may be fixed as the closing date for lodging special enrolment applications or for the nomination of candidates.

Note. Section 16 of the Act contains general provisions applicable to elections of directors of boards.

Administrator to hold general election of directors when directed

25. For the purposes of section 43 (3) of the Act, the prescribed period is 1 month.

Note. Section 43 of the Act requires an administrator of a board's affairs to hold a general election of directors when directed to do so by the Minister.

## Division 2—Proceedings of board

Proceedings of board: minutes and voting

26. (1) The person presiding at a meeting of a board:

- (a) must ensure that the minutes of the previous meeting (if any) of the board are confirmed by the board; and
- (b) must sign those minutes.

(2) A person presiding at a meeting of a board who, without reasonable excuse, fails to comply with subclause (1) is guilty of an offence.

Maximum penalty: 2 penalty units.

(3) All questions and other matters brought before any meeting of a board are to be determined by the vote of the majority of the directors present at the meeting.

What is to happen if votes for chairperson or deputy chairperson are equal

27. If, at a meeting of a board at which the chairperson or deputy chairperson of the board is to be elected, the number of votes for each of the directors nominated for election is equal, the question as to which of them is to be the chairperson or deputy chairperson is to be decided by lot.

Contents and use of board's common seal

28. (1) The seal of a board must include the inscription ``The Seal of the [name of the board concerned] Rural Lands Protection Board".

(2) A person is authorised to affix a board's seal to any document only in accordance with a resolution of the board.

Note. Section 50 of the Interpretation Act 1987 requires every statutory corporation to have a seal.

## Division 3—Accounts

Board to keep accounts

29. (1) A board must ensure that its accounts are prepared in accordance with the requirements of the following publications issued by the Australian Accounting Research Foundation, on behalf of the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia:

- (a) Statements of Accounting Concepts; and
- (b) Australian Accounting Standards,

as in force for the time being.

(2) In addition to the accounts required by section 30 of the Act, a board must include in, or attach to, those accounts any supplementary information of a kind notified to the board by the Minister, either generally by public notice or by a specific notice served on the board.

(3) The secretary of a board must present accounts of the board to each meeting of the board. Those accounts must:

- (a) be in a form approved by the Minister; and
- (b) be made up to the end of the month preceding the meeting at which they are to be presented.

(4) A board must ensure that its secretary complies with subclause (3).

Note. Section 30 of the Act requires a board to prepare an income and expenditure account and balance sheet within 3 months after the end of its financial year. The section also requires a board's accounts to comply with requirements prescribed by regulations under the Act.

What can be paid out of board's rural lands protection fund

30. For the purpose of section 31 (3) (e) (i) of the Act, the prescribed amount is the higher of the following:

- (a) \$1,000;
- (b) an amount equal to 1 per cent of the amount payable to the board as general rates for the financial year concerned.

Note. Section 31 of the Act requires a board to maintain a rural lands protection fund.

Appointment of auditors

31. (1) A person appointed as an auditor of a board holds office as such until the conclusion of the next general election of directors for that board, unless the person has previously ceased to hold that office as provided by subclause (3).

(2) The appointment of a person as an auditor of a board may be renewed from time to time.

(3) A person appointed as an auditor of a board ceases to hold office on death or on removal or resignation from office in accordance with this clause or on ceasing to be qualified to be an auditor of a board.

(4) If a vacancy occurs in the office of auditor of a board and there is no surviving or continuing auditor of the board, the board must, within 1 month after the vacancy occurred, appoint at least one qualified person to fill the vacancy.

(5) A board may remove an auditor of the board from office only on the ground that the auditor has:

- (a) failed to comply with a requirement or duty imposed on auditors by section 39 of the Act or clause 32 of this Regulation; or
- (b) become incapable of performing the duties of an auditor specified in those provisions.

(6) A resolution of a board purporting to remove an auditor from office does not take effect until approved by the Minister.

(7) An auditor of a board may resign office as auditor by notice in writing given to the board.

Note. Section 39 of the Act specifies powers and duties of a board's auditor.

Duties of auditors

32. (1) In addition to the duties specified in section 39 of the Act, an auditor of a board must, in auditing the accounts of the board:

- (a) verify that the approval of the Minister has been given in all cases where the Act requires that such an approval be given to any expenditure or action concerning the accounts of the board; and
- (b) verify that all absences from duty of the board's employees are properly recorded and that the appropriate leave of absence has been granted in accordance with the terms of the law or award under which the entitlement to leave is prescribed; and
- (c) report to the board on the matters specified in a form approved by the Minister and include in the report any matters other than those so specified that, in the professional judgment of the auditor, call for special mention.

(2) The report must be in duplicate and each copy must have annexed to it, duly certified:

- (a) a copy of the statement of accounts prepared in accordance with section 30 of the Act; and
- (b) a copy of the supplementary information prepared in accordance with clause 29 (2) of this Regulation.

Note. Section 30 of the Act requires a board to prepare an income and expenditure account and balance sheet within 3 months after the end of its financial year.

Interest rate on outstanding payments

33. (1) For the purposes of section 49 (1) of the Act, the prescribed rate of interest payable is 2 per cent more than the Commonwealth Bank's overdraft index rate as at 1 January in each year.

(2) Interest is chargeable under section 49 (1) of the Act only in respect of whole months occurring during the period:

- beginning with the day after the end of the 30 days referred to in section 49 (1) (a) of the Act; and
- ending with the date (if any) on which the outstanding amount is paid.

Note. Section 49 of the Act enables a board to charge interest on outstanding accounts.

PART 3—RATES  
INTRODUCTORY NOTE

This Part supplements the provisions of Part 4 of the Act, which enables boards to levy general rates, animal health rates and noxious weed control rates on ratable land within their districts.

**Making and levying rates**

34. (1) For the purposes of section 53 (2) of the Act, the prescribed date is 31 March in each year.

(2) For the purposes of section 53 (5) of the Act, the prescribed period is 3 months.

Note. Section 53 of the Act empowers a board to levy general and animal health rates for the purposes of the Act.

**Minimum stock units**

35. For the purposes of section 53 (1) of the Act, the following numbers of stock unit equivalents are prescribed for the districts specified below:

| District | Number of stock units |
|----------|-----------------------|
| Moree    | 150                   |
| Warialda | 100                   |

Note. Section 53 of the Act empowers a board to levy general and animal health rates for the purposes of the Act.

**Returns of land and stock**

36. (1) For the purposes of section 57 (1) (c) of the Act, tail tags and pig brands are a prescribed means of identifying stock.

(2) For the purposes of section 57 (2) of the Act, the prescribed date is 31 August in each year.

(3) For the purposes of section 57 (2) of the Act, the matters prescribed in relation to a person who occupies land within the relevant district are as follows:

- (a) the full name of the occupier;
- (b) the full address and telephone number (if any) of the occupier;
- (c) the address of the land, if different from the address referred to in paragraph (b);
- (d) the relevant rate assessment number;
- (e) a description of the land, including:
  - (i) the portion number or lot and deposited plan number; and
  - (ii) the names of the parish and county where the land is located; and
  - (iii) the area of the land; and
  - (iv) the zoning classification of the land for the purposes of the Environmental Planning and Assessment Act 1979;
- (f) the number of each category of stock (for example, horses or cattle) kept on the land;
- (g) whether or not there is a feedlot or piggery on the land;
- (h) brand and earmark designs of which the occupier is the registered proprietor;
- (i) tail tag numbers and pig brand numbers allocated to the occupier and recorded by the district registrar;
- (j) if there are several occupiers of the land—the name of the occupier nominated for entry in the board's roll of electors.

(4) For the purposes of section 57 (2) of the Act, the matters prescribed in relation to a person who does not occupy land within the district concerned but who owns stock kept within that district are as follows:

- (a) the number of each category of stock (for example, horses or cattle) kept by the person within that district;
- (b) brand and earmark designs of which the person is the registered proprietor and which are recorded in the register kept by the district registrar;
- (c) tail tag numbers and pig brand numbers allocated to the person and recorded by the district registrar.



(5) For the purposes of section 57 (2) of the Act, the matters prescribed in relation to a person who is neither the occupier of land within the district concerned nor the owner of stock kept within the district but who is the proprietor of a brand or earmark design, or other prescribed means of identifying stock, registered by the district registrar are as follows:

- (a) brand and earmark designs of which the person is the registered proprietor and which are recorded in the register kept by the district registrar;
- (b) tail tag numbers and pig brand numbers allocated to the person and recorded by the district registrar.

Note. Section 57 of the Act requires an occupier of land within a district to lodge with the board for the district an annual return of land and stock held on the land.

Notice to owner for information in respect of land and stock

37. (1) For the purposes of section 58 of the Act:

- (a) the manner in which a board may require information concerning land or stock to be provided to it is by the service on the owner or occupier of the land or owner of the stock, as the case requires, of a written notice containing the particulars specified in subclause (2); and
- (b) the period within which a person served with such a notice must provide the information required by the board is 14 days following the service of the notice; and
- (c) the manner in which a person must provide the information is by delivering or causing to be delivered to the board's principal place of administration a document containing the information and signed by the owner or occupier concerned.

(2) A notice purporting to be issued by a board in accordance with section 58 of the Act is not valid unless it:

- (a) states that it is issued under that section; and
- (b) is addressed to the owner or occupier of the land, or the owner of stock, from whom the board requires the information and specifies the address of the person's last known place of residence or business; and
- (c) gives precise details as to what information is required; and
- (d) states the reason why the information is required; and
- (e) states the period and manner within which the required information must be provided; and
- (f) quotes the provisions of section 58 (1) of the Act; and
- (g) is signed by the chairperson or secretary of the board and shows the date on which the signature was written.

Note. Section 58 of the Act requires an occupier of land within a district to provide at the request of the board for the district information relating to the land and stock held on the land.

Appeal to local land board against determination of carrying capacity

38. (1) For the purposes of section 61 (5) of the Act:

- (a) the manner for making an appeal under section 61 (3) or (4) of the Act is by preparing a notice of appeal in accordance with a form approved by the Minister and lodging it with the registrar of the relevant local land board; and
- (b) the prescribed fee is \$50.

(2) A copy of the notice of appeal referred to in subclause (1) must be served on the board for the district within which the relevant land is located not later than the day on which the notice of appeal is lodged.

(3) The chairperson of the local land board to which an appeal is made under section 61 (3) or (4) of the Act must give to both the appellant and the board for the district within which the relevant land is located not less than 7 days' notice of the time fixed by that local land board for the hearing of the appeal.

(4) In this clause, "relevant local land board" means:

- (a) in the case of land within the Eastern and Central Division—the local land board for the land district where the relevant land is located; and
- (b) in the case of land within the Western Division—the local land board for the administrative district where the relevant land is located.

Note. Section 61 of the Act confers on an owner or occupier of land within a rural lands protection district a right to a review of a board's assessment of the carrying capacity of the land and, if dissatisfied with the board's decision on review, a right to appeal to the relevant local land board.

### Changes of occupancy of ratable land to be notified

39. The notice to be given under section 65 (1) of the Act must be in accordance with either Form 2 or a form that has a similar effect and be sent by post or given to the secretary of the board for the district within which the land concerned is located.

Note. Section 65 of the Act requires a person to give notice to the relevant board within 1 month after ceasing to be or becoming the occupier or owner of land within a district. Subsection (1A) of the section provides that the requirements of subsection (1) relating to change of ownership are satisfied if notice of the change is lodged with the Registrar-General within 1 month afterwards.

### Secretary to record changes of occupancy

40. On receiving a notice to the effect that the occupancy of particular ratable land has changed, the secretary of the board concerned must ensure that the particulars contained in the notice are entered in the rate record against the entry relating to the holding to which the notice refers.

### Property search inquiries

41. (1) For the purposes of section 66 of the Act, the fee for an application for a certificate under subsection (3) of that section is:

- (a) \$20 if the application is made before 1 January 1996; or
- (b) \$25 if the application is made on or after that date.

(2) If the applicant asks on the application form for a search to be made under the Stock Diseases Act 1923 or the Stock (Chemical Residues) Act 1975 and:

- (a) if the application is made before 1 January 1996—pays a fee of \$35 (instead of \$20); or
- (b) if the application is paid on or after that date—pays a fee of \$45 (instead of \$25),

the board concerned must also search for and provide details of any current orders issued in respect of the land under those Acts.

Note. Section 66 of the Act makes an incoming occupier or owner of land within a district liable for any rates outstanding in respect of the land.

### Appeal against validity of rate

42. For the purposes of section 67 (2) of the Act:

- (a) the prescribed court is the District Court; and
- (b) the prescribed manner of objecting to the validity of a rate is by making an application for the determination of the objection in accordance with the rules of the District Court; and
- (c) the prescribed fee is the fee currently prescribed by the District Court (Fees) Regulations for the filing of a notice of appeal.

Note. Section 67 of the Act enables an occupier or owner of land to object to the validity of a rate levied on the land.

### Prescribed rate for overdue rates

43. For the purposes of section 68 (1) of the Act, the prescribed rate per cent per year for overdue rates is 2 per cent more than the Commonwealth Bank's overdraft index rate as at 1 January in each year.

Note. Section 68 of the Act enables a board to charge interest on overdue rates.

### Rate record

44. (1) For the purposes of section 74 (1) of the Act, the prescribed manner for keeping a rate record is by keeping it:

- (a) in a book containing fixed or loose leaves; or
- (b) as a series of cards; or
- (c) as computerised records.

(2) For the purposes of section 74 (1) of the Act, the particulars to be kept in a rate record are:

- (a) particulars of each parcel of land that is ratable and of the occupier or owner of the land; and
- (b) particulars of the amounts of general and animal health rates and other charges levied under the Act in respect of the parcel and of the dates on which the notices demanding payment of the rates or charges were served; and
- (c) particulars of amounts of rates and charges paid (including dates of payment), and of the amount of rates or charges remaining outstanding, in respect of the parcel.

(3) The entries in a board's rate record must be kept either in the series for the board's district as a whole or, where the district is divided into divisions, in a separate series for each of those divisions.

Note. Section 74 of the Act requires a board to keep a record containing prescribed particulars of all rates that the board levies.

#### Minimum area of ratable land

45. For the purposes of the definition of "ratable land" in section 3 (1) of the Act, the areas set out in Schedule 2 are prescribed in relation to the districts set out in that Schedule.

#### Board to forward meat industry levies to Meat Industry Authority

46. A board must twice each year, not later than 15 June and not later than 15 September, forward to the Meat Industry Authority the amount of all meat industry levies held by the board on the preceding 1 June and 1 September respectively, less the amount of commission that the Authority has allowed the board to retain.

#### Board to forward noxious insect levies to Director-General

47. A board must, not later than 15 September in each year, forward to the Director-General the amount of all noxious insect levies collected under section 146 of the Act and held by the board on the preceding 1 September.

Note. Section 146 of the Act enables the Minister to require a board to impose a levy on occupiers of ratable land within the board's district to meet the cost of suppressing noxious insects.

#### Purposes for which information provided under section 57 or 58 of the Act may be used

48. In addition to the purposes specified in section 59 of the Act, the information supplied to a board under section 57 or 58 of the Act may be used for the purposes of:

- (a) determining whether the registration of a brand or earmark design, or other means of identifying stock, of which a person is the registered proprietor should be continued; and
- (b) facilitating the verification or amendment of the board's roll of electors; and
- (c) providing a basis for determining the eligibility of an occupier of land to receive financial relief or assistance for drought or other natural disaster.

Notes. Section 57 of the Act requires an occupier of land within a district to lodge with the board for the district an annual return of land and stock held on the land.

Section 58 of the Act requires an occupier of land within a district to provide at the request of the board for the district information relating to the land and stock held on the land.

#### Certain areas to be exempt from rates

49. (1) For the purposes of section 75 of the Act, the following kinds of land are exempt from the operation of Part 4, and sections 137 and 146, of the Act:

- (a) any part of ratable land used as a motel or as a caravan park;
- (b) any part of ratable land on which a rifle range or buildings ancillary to the conduct of such a range is located.

(2) An occupier of land must, at the request of the board concerned, lodge with the board an annual return as required by section 57 of the Act even though the land is exempted under this section.

Notes. Section 57 of the Act requires an occupier of land within a district to lodge with the board for the district an annual return of land and stock held on the land.

Section 75 of the Act provides for certain land to be exempted from Part 4, and sections 137 and 168, of the Act.

Part 4 of the Act deals with the levying of general and animal health rates for the purposes of the Act.

Section 137 of the Act empowers a board to levy a special rate for the suppression and destruction of noxious animals.

Section 146 of the Act enables the Minister to require a board to impose a levy on occupiers of ratable land within the board's district to meet the cost of suppressing noxious insects.

Section 168 of the Act requires the purchaser or lessee of Crown land to make a payment for a barrier fence erected on the land.

## INTRODUCTORY NOTE

This Part supplements Part 6 of the Act, which regulates the management and use of travelling stock reserves, the movement of stock animals over public roads and travelling stock reserves and the grazing of stock animals on such roads and reserves.

## Division 1—General management of travelling stock reserves

Prescribed activities for purposes of section 86 of the Act

50. (1) For the purposes of section 86 of the Act, the following recreational activities are prescribed:

- (a) walking, running and other kinds of individual physical exercise;
- (b) horse riding;
- (c) picnicking;
- (d) fishing;
- (e) swimming;
- (f) pedal cycling.

(2) However, an activity specified in subclause (1) is not a prescribed activity in relation to:

- (a) a travelling stock reserve in the Western Division; or
- (b) any travelling stock reserve or part of such a reserve that is used for an activity authorised under section 86 (3) of the Act if the conditions or restrictions of the authority prohibit the use of the reserve or part for an activity first-mentioned in this subclause while the authority remains in force; or
- (c) any stock watering place in the Western Division.

Note. Section 86 of the Act entitles people to use a travelling stock reserve for certain recreational and other activities.

Offences on travelling stock reserves

51. (1) A person must not, except in accordance with a permit, licence or other authority issued under Part 6 of the Act by or on behalf of the board which has control of a travelling stock reserve or with the consent in writing of that board:

- (a) be on the reserve between sunset and sunrise; or
- (b) light a fire on the reserve at a site that is not designated for the purpose by the board; or
- (c) divert or in any other way interfere with the natural flow of water on the reserve; or
- (d) swim or bathe in a water tank or dam installed or constructed on the reserve; or
- (e) cause or permit large stock to be yarded in a sheep yard located on the reserve.

Maximum penalty: 5 penalty units.

(2) A person must not, except with the consent in writing of the board concerned or as authorised by the Act, remove or cause to be removed from the reserve any water, soil, timber or other material from a travelling stock reserve.

Maximum penalty: 5 penalty units.

(3) A person must not, without the authority in writing of the board concerned or other reasonable excuse, interfere with a structure, appliance or other article that forms part of or is lawfully on a travelling stock reserve. It is immaterial whether the structure appliance or article belongs to that board.

Maximum penalty: 10 penalty units.

(4) A person must not:

- (a) cause any nuisance or annoyance to a member of the public who is lawfully on a travelling stock reserve; or
- (b) without reasonable excuse, interfere with stock or beehives that are lawfully on the reserve.

Maximum penalty: 5 penalty units.

(5) A person who is on a travelling stock reserve in contravention of section 85 of the Act, or who is contravening this clause, must not refuse to comply with a lawful direction to leave the reserve given by a director of a board, or by an employee of a board authorised by the board to give directions for the purpose of this subclause.

Maximum penalty: 5 penalty units.

(6) A person must not fail to comply with a lawful direction given by a director or employee referred to in subclause (5) to refrain from causing a nuisance or annoyance:

- (a) to a member of the public who is lawfully on a travelling stock reserve; or

- (b) to stock or beehives that are lawfully on the reserve.

Maximum penalty: 5 penalty units.

(7) If a person contravenes subclause (5) or (6), the director or employee concerned may use force (but no more than necessary in the circumstances) to remove the person from the reserve.

Note. Section 85 of the Act prohibits a person from using a travelling stock reserve except under a permit, licence or other authority issued under the Act.

#### Authorised uses for travelling stock reserves

52. (1) A person who, or a group of persons that, wishes to obtain an authority under section 86 (3) of the Act to use a travelling stock reserve or part of such a reserve for an activity (other than an activity referred to in subsection (1) of section 86 of the Act or prescribed by a regulation for the purposes of that subsection) may make an application in writing to the board for the district in which the reserve is located.

(2) On receiving an application made in accordance with subclause (1), the board may, if it has specified and approved the use of the travelling stock reserve or the part of that reserve to which the application relates for the activity specified in the application, issue an authority as provided by section 86 (3) of the Act.

(3) When issuing an authority under section 86 (3) of the Act, a board may impose such conditions and restrictions as it considers appropriate, including:

- (a) conditions or restrictions as to the time or times at which the reserve or part of the reserve concerned may be used for the activity specified in the authority; and
- (b) conditions as to any insurance required to be obtained, or any bond required to be provided or entered into, with respect to the use of the reserve or part of the reserve for that activity.

(4) A board may impose a fee of not more than \$30 for the issue of an authority.

(5) If an authority is issued subject to a condition or restriction imposed under subclause (3), the board concerned, or a director or authorised officer of that board, may revoke the authority on being satisfied on reasonable grounds that the condition or restriction is being or has been contravened.

(6) A person (including a member of a group of persons) claiming to hold an authority issued under section 86 (3) of the Act must, on being requested to do so by a director of the board that issued the authority or by an authorised officer of that board, produce the authority for inspection by the director or officer.

(7) A person who, without reasonable excuse, fails to comply with a request made under subclause (6) is guilty of an offence.

Maximum penalty: 5 penalty units.

Note. Section 86 of the Act entitles people to use a travelling stock reserve for certain recreational and other activities.

#### Closure of travelling stock reserves for certain uses

53. (1) For the purposes of section 87 of the Act, the prescribed manner in which a travelling stock reserve or part of such a reserve may be closed for activities is as follows:

- (a) the board that controls the reserve must erect on the reserve at all places on the reserve or part of the reserve at which access and egress are provided signs notifying persons that the reserve or part of the reserve is closed for specified activities;
- (b) while the signs are erected, the reserve or part is closed for those activities;
- (c) the board may, but is not obliged to, publish in a local newspaper published and circulating within the district in which the reserve is located a notice to the effect that the reserve or part is closed to such activities as are specified in the notice.

(2) The signs required by subclause (1) (a) must:

- (a) be constructed of metal or other rigid material; and
- (b) contain the particulars shown in the diagram set out in Part 1 of Schedule 3; and
- (c) be in the form of a rectangle, 420 millimetres high and 300 millimetres wide.

The letters and figures on the sign must be in red, superimposed on a beige background.

(3) A reserve or part of a reserve closed under section 87 of the Act does not cease to be closed only because the sign or signs indicating the closure of the reserve or part are removed from their position as a result of a storm or inclement weather or the act of a person not acting under the authority of the board that controls the reserve.

(4) A person who, without lawful authority, removes, damages or interferes with a sign erected under this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

Note. Section 87 of the Act empowers a board to close a travelling stock reserve in certain circumstances.

Notice to be given before applying pesticides to travelling stock reserves

54. (1) For the purposes of section 103 of the Act, the prescribed manner for giving the notice concerning the application of a pesticide to a travelling stock reserve is by displaying weather-proof signs containing a warning that pesticides have been used on the reserve.

(2) The signs must be placed in conspicuous places on the reserve for not less than the following periods:

- (a) in the case of a pesticide the use of which requires the display of warning signs under an order in force under the Pesticides Act 1978 or a permit in force under the AGVET Code of New South Wales—for the minimum period specified for the pesticide in the order or permit;
- (b) in the case of any other kind of pesticide—for the period (if any) decided by the board concerned.

In making such a decision, that board must take into account any withholding period specified on the label registered or approved under that Act or Code for the pesticide.

(3) A person who, without lawful authority, removes, damages or interferes with a sign erected under this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

Note. Section 103 of the Act exculpates a board from liability in respect of the use of pesticides on travelling stock reserves.

Access to tanks on travelling stock reserves and stock watering places

55. If a main or conserving water tank is installed on a travelling stock reserve or stock watering place, a person having stock in his or her charge on the reserve at the place must ensure that the stock do not gain access to the tank, unless the written consent of the board having control of the reserve or place has first been obtained permitting the stock to have access to the tank.

Maximum penalty: 2 penalty units.

Restrictions on camping on travelling stock reserves

56. A person in charge of stock must not camp or remain on a travelling stock reserve under a board's control for more than 24 hours without the consent of the board or unless compelled to do so because of adverse weather or an unforeseeable emergency.

Maximum penalty: 10 penalty units.

Use of water provided on travelling stock reserves

57. If, on a travelling stock reserve that is under the control of a board, water is provided by means of a trough and stock are watering at that trough, the person in charge of the stock must:

- (a) ensure that no water is wasted; and
- (b) supervise the flow of water into the trough while the stock are watering; and
- (c) turn off the stopcock as soon as the watering is finished; and
- (d) ensure that the trough and associated equipment are left in no worse condition than that in which they were found when that person arrived at the trough.

Maximum penalty: 10 penalty units.

Deduction from board's reserves improvement fund or stock watering places fund for administrative expenses

58. For the purposes of sections 33 (4) and 34 (4) of the Act, the specified amount is, in relation to any particular financial year of a board, an amount equal to one-half of all money carried to the board's reserves improvement fund or stock watering places fund during the immediately preceding financial year of the board.

Notes. Section 33 of the Act requires a board whose district is within the Eastern and Central Division of New South Wales to maintain an improvement fund for its travelling stock reserves.

Section 34 of the Act requires a board whose district is within the Western Division of New South Wales to maintain a stock watering places fund.

## Division 2—Stock transported by vehicle

Who is to be person in charge of stock transported by vehicle?

59. For the purposes of this Division, the driver of a vehicle conveying stock on a public road or travelling stock reserve is to be taken to be the person in charge of the stock.

Exemptions: transported stock statements

60. For the purpose of section 88 (10) of the Act, a transported stock statement or stock licence is not required, and no fee is payable, in the following circumstances:

- (a) when horses are being transported to or from any agricultural show, exhibition, gymkhana, pony club meeting or similar function;
- (b) when racehorses or harness racing horses are being transported from one place to another;
- (c) when stock are moved into New South Wales from another State or the Australian Capital Territory and travel within New South Wales for up to 30 kilometres before immediately proceeding back into the other State or that Territory;
- (d) when stock are moved across or along a road or reserve from one part of a holding to another part that would be contiguous with the first-mentioned part but for being separated by the road or reserve;
- (e) when stock are moved to or from a place at which they are to be or have been treated by a veterinary surgeon;
- (f) when horses are moved to or from any place for use as working horses.

Note. Section 88 of the Act imposes restrictions on the movement of stock by vehicular transport.

How transported stock statements are to be filled out

61. (1) For the purposes of section 89 of the Act, part 1 of a transported stock statement may be filled out and signed only by:

- (a) the owner of the stock concerned or an employee or agent of that owner; or
- (b) the owner of a registered livestock carrying vehicle that is, with the authority of the owner of the stock concerned, used to transport that stock.

(2) Any person who fills out or signs part 2 of a transported stock statement is guilty of an offence if the person is not the driver of the vehicle used to move the stock to which the statement relates.

Maximum penalty: 10 penalty units.

(3) A transported stock statement is not valid unless:

- (a) it is in accordance with Form 3; and
- (b) the stock that are to be, are being or have been moved are the stock described in the statement.

(4) A board or an authorised officer of a board may issue a transported stock statement form to any person who wishes to convey stock by vehicle on a public road or travelling stock reserve, or to consign stock for conveyance by means of rail, water or air transport. Transported stock statement forms may be issued in books of forms or as individual forms.

(5) A person who returns unused transport stock statement forms to the board that issued them is entitled to a refund of the cost of the forms.

Note. Section 89 of the Act deals with the issue of transported stock statements.

How used transported stock statements are to be distributed and disposed of

62. (1) If part 1 of a transported stock statement relating to stock is filled out by a person other than the carrier of the stock, the person must give part 1 of the original statement to the carrier and retain the copy. If the carrier of the stock fills out the statement, the carrier must retain the original statement and the copy, until the movement of stock is completed.

(2) A person to whom transported stock statements have been issued must retain the copies of them for at least 3 years from the date of their issue and must produce them for inspection if asked to do so by the board concerned, an authorised officer of that board or a police officer.

Maximum penalty: 2 penalty units.

Fees payable for transported stock statements

63. (1) The maximum fee that may be determined under section 89 (2) of the Act for a transported stock statement form is \$1.

(2) The fee determined by a board under section 89 (2) of the Act is payable when a book of transported stock statement forms or an individual transported stock statement form is issued.

(3) The fee payable for a transported stock statement is not subject to adjustment because of any subsequent variation in the prescription of the fee.

Note. Section 89 of the Act deals with the issue of transported stock statements.

No remuneration to be paid for issue of transported stock statement

64. No remuneration is payable to a permit officer for the issue of a transported stock statement.

Person in charge of transported stock to give name and other particulars

65. (1) If an authorised officer of a board or a police officer requests the person in charge of stock that are on a public road or travelling stock reserve to give the person's name or address, that person must comply with the request.

(2) A person who:

- (a) fails to comply with a request under subclause (1); or
- (b) in response to the request, gives a name or address that to the person's knowledge is false or misleading,

is guilty of an offence.

Maximum penalty: 10 penalty units.

### Division 3—Walking and grazing stock

Prescribed form for walking stock permits

66. For the purposes of section 92 (5) of the Act, Form 4 is the prescribed form.

Note. Section 92 of the Act deals with the issue of walking stock permits.

Exemptions: walking stock permits

67. For the purposes of section 90 (11) of the Act, a walking stock permit or stock licence is not required and no fee is payable, in the following circumstances:

- (a) when the movement of any horses on the hoof is accompanied by riders and the number of horses does not exceed twice the number of riders;
- (b) when stock are being used to pull a sulky, wagon or other vehicle;
- (c) when stock are being moved across or along a public road or travelling stock reserve from one part of a holding to another part that would be contiguous with the first-mentioned part but for being separated by the road or reserve;
- (d) when stock are moved to or from a place at which they are to be or have been treated by a veterinary surgeon.

Note. Section 90 of the Act prohibits stock from being walked over public roads and travelling stock reserves except under the authority of a walking stock permit. Subsection (11) of that section states that the section does not apply to the movement of stock within certain kinds of holdings or in circumstances specified in regulations under the Act.

Fees payable for walking stock permits

68. (1) For the purpose of section 92 (3) (a) of the Act, a board may charge fees for the issue of walking stock permits not exceeding the following amounts:

- (a) 50 cents for each 100 sheep or goats, or part of that number, for each 10 kilometres or part of that distance to be travelled;
- (b) 50 cents for each 10 head of large stock, or part of that number, for each 10 kilometres or part of that distance to be travelled.

(2) A fee is not payable under section 92 (3) of the Act in the following circumstances:

- (a) for unsold stock which are returning from a sale to the place from which they were moved for that purpose, but only if the length of the journey in that case does not exceed 10 kilometres;
- (b) for unweaned calves, foals, lambs, fawns or kids under 6 months old when travelling with their mothers;



- (c) for stock that are travelling through New South Wales from another State or the Australian Capital Territory to a destination in that other State or that Territory when the total distance travelled or to be travelled in New South Wales does not exceed 5 kilometres.

(3) For the purpose of section 92 (6) of the Act, an application for a walking stock permit may be refused on the ground that stock are, in the opinion of the relevant board or an authorised officer of that board, suffering from a contagious disease.

Note. Section 92 of the Act deals with the issue of walking stock permits.

#### Walking stock permit books to be returned to board

69. (1) An authorised officer of a board who is in possession of a book from which all the walking stock permit forms have been issued must return the book to the board within 60 days after the last of those forms was issued.

(2) The board must retain in its custody for not less than 3 years all used books returned to it in accordance with subclause (1).

#### Ranger to be given advance notice of proposed travel of walking stock

70. (1) If stock are to be moved over a public road or travelling stock reserve and the journey will last more than 24 hours, the person in charge of the stock must notify the proposed journey to a ranger employed by, or the secretary of, the board for the district in which the journey is to start. The notification must be given at least 48 hours before the start of the journey.

Maximum penalty: 5 penalty units.

(2) If stock are to be moved over a public road or travelling stock reserve and the stock will, during their journey, enter a district other than the one in which the journey started, the person in charge of the stock must notify a ranger employed by, or the secretary of, the board for the district that the stock are about to enter the district. The notification must be given at least 48 hours before the stock enter the district.

Maximum penalty: 5 penalty units.

(3) Notice under this clause may be given orally or in writing.

#### Restrictions on walking stock on certain roads and reserves

71. (1) If:

- (a) a part of a public road or travelling stock reserve over which it is proposed to walk stock intersects or adjoins a holding; and
- (b) the part of the road or reserve is not separated from the holding by a fence that is sufficient to prevent the encroachment of the stock onto the holding,

the person in charge of the stock must ensure that at least 24 hours oral or written notice of the intention to walk the stock by or through the holding is given to its occupier.

Maximum penalty: 5 penalty units.

(2) If:

- (a) stock are being walked over a part of a road or travelling stock reserve; and
- (b) a holding that intersects or adjoins the road or reserve is not separated from the road or reserve by a fence,

the person in charge of the stock must take all reasonable steps to prevent stock from trespassing onto, or becoming mixed with any stock on, the holding.

Maximum penalty: 5 penalty units.

#### Walking stock to follow specified route

72. (1) Travelling stock moved under the authority of a walking stock permit may be moved only by the route specified on the permit.

(2) A person who moves travelling stock, or causes travelling stock to be moved, by a route other than that specified in the walking stock permit authorising the movement of those stock is guilty of an offence.

Maximum penalty: 10 penalty units.

#### Route for walking stock may be varied in certain cases

73. (1) A person in charge of stock being moved on a journey for which a walking stock permit is issued may change the route or destination specified in the permit only with the approval of an authorised officer of the board for the district where the stock are located at the relevant time.

- (2) Approval may be given only if the authorised officer is satisfied that the change is required:
- (a) for the purpose of moving the stock to another destination (irrespective of whether the destination shown on the permit has been reached); or
  - (b) because for an adequate reason the route specified in the permit cannot be followed.
- (3) It is a condition of such an approval that the person in charge of the stock:
- (a) obtains a new walking stock permit; and
  - (b) pays the appropriate fee for that permit.
- (4) The new permit comes into effect from the point at which the change of route to the destination specified in the new permit begins.
- (5) If a new walking stock permit is issued under this clause, the owner of the stock is entitled to a refund of the travelling stock fees for any distance not travelled under the previous permit.
- (6) If only some of the stock referred to on the previous permit are moved to a different destination or over a different route, the refund payable under this clause is to be reduced proportionately.
- (7) If the route specified in a walking stock permit is one that passes through land:
- (a) quarantined under the Stock Diseases Act 1923; or
  - (b) on which stock infected within the meaning of that Act have been quarantined,
- an authorised officer of the board concerned may order the route to be changed. In that case no additional fee is payable in respect of the changed route.
- (8) A walking stock permit ceases to be in force if the journey for which it is issued is broken by the holding of stock for more than 7 consecutive days elsewhere than on a public road or travelling stock reserve. However, an authorised officer of the board for the district in which the stock are held may approve the resumption of the journey under the authority of the same walking stock permit by making an appropriate endorsement on the permit (and may do so even though the permit is no longer in force).
- (9) A board:
- (a) may in circumstances that it decides are special; and
  - (b) must if directed by the Minister,
- remit or waive any fee that would, apart from this clause, be payable to the board under section 92 of the Act for the movement of walking stock within its district.
- Note. Section 92 of the Act deals with the issue of walking stock permits.

#### Permitted hours for walking stock

74. (1) A person must not move stock by walking them over a public road or travelling stock reserve during the period between sunset and sunrise on the following day.

Maximum penalty: 10 penalty units.

(2) However, a person in charge of dairy cows for which a walking stock permit or stock licence is issued may move those cows and their calves over a public road or travelling stock reserve during that period, but only if:

- (a) they are on the road or reserve for the shortest practicable distance between the start of their journey and their destination; and
- (b) appropriate stock warning signs are displayed in accordance with clause 82 or 83, as the case requires.

(3) A person in charge of stock who moves cows or their calves over a public road or travelling stock reserve in contravention of subclause (2) is guilty of an offence.

Maximum penalty: 10 penalty units.

#### Prescribed rate of travel of walking stock to be maintained

75. (1) When stock are walking on a journey lasting more than 24 hours, the person in charge of the stock must ensure that, during each successive period of daylight, the stock travel towards their destination:

- (a) a distance of not less than 16 kilometres if the stock consist wholly of large stock; or
- (b) a distance of not less than 10 kilometres if the stock consist wholly of small stock or partly of large stock and partly of small stock.

(2) A person in charge of walking stock must ensure that the stock have:

- (a) travelled from the time when they started their journey until the time when they are first inspected by a prescribed officer; or

- (b) travelled from a time on which they are previously inspected by a prescribed officer during the course of the journey until the time at which they are again inspected by that or another prescribed officer during that journey,

towards their destination:

- (c) a distance averaging 16 kilometres if the stock consist wholly of large stock; or
- (d) a distance averaging 10 kilometres if the stock consist wholly of small stock or partly of large stock and partly of small stock.

(3) A person in charge of stock who fails to comply with subclause (1) or (2) is guilty of an offence, unless:

- (a) the stock were prevented from travelling at the prescribed rate due to unforeseen bad weather, fire, flood or some other unforeseeable circumstance; or
- (b) approval for slow travel has been given in respect of the stock under subclause (4); or
- (c) clause 79 (5) applies to the movement of the stock.

Maximum penalty: 10 penalty units.

(4) An authorised officer of a board may give approval for stock to be walked at rates of travel slower than those referred to in subclauses (1) and (2):

- (a) if the stock are unfit to travel at the prescribed rate of travel; or
- (b) for any other reason that the authorised officer considers to be valid.

(5) An authorised officer who has given approval under subclause (4) must write details of the approval on the permit, together with any conditions subject to which the approval is given.

(6) If part of a mob consists of stock fit to travel at the rate prescribed by this clause and other stock that are unfit to travel at that rate, an authorised officer of the board concerned may:

- (a) order the unfit stock to be culled from the mob; or
- (b) permit those stock to travel at a slower rate.

(7) The person in charge of stock that are ordered to be culled under subclause (6) must ensure that the stock are immediately removed from the public road or travelling stock reserve on which they were travelling. The removal may be either by vehicle or by any other appropriate means.

Maximum penalty: 10 penalty units.

(8) The person in charge of stock for which a fresh permit endorsed for slow travel is issued must ensure that the appropriate charges for the permit are paid to an authorised officer of the board concerned.

Maximum penalty: 10 penalty units.

(9) An authorised officer of the board concerned may impound stock if the person in charge of the stock fails to pay the charges required by subclause (8).

When walking stock regarded as trespassing on road or travelling stock reserve

76. (1) Whenever:

- (a) stock moved under the authority of a walking stock permit are travelling over a public road or a travelling stock reserve at a rate slower than that allowed by this clause; and
- (b) neither the owner of the stock nor the person in charge of the stock has obtained approval for slow travel under clause 75 or, if that approval has been obtained, the conditions or restrictions of the approval have not been or are not being complied with,

the stock are, for the purposes of the Act, to be regarded as trespassing on the road or reserve.

(2) Whenever any such stock are regarded as trespassing on a public road or a travelling stock reserve, an authorised officer of the board in whose district the road or reserve is located may:

- (a) cancel any approval granted in respect of the stock for slow travel; and
- (b) impound the stock as provided by Part 7 of the Act.

Note. Part 7 of the Act deals with the impounding of abandoned or trespassing animals.

Agistment fees to be paid for certain walking stock

77. (1) A court that finds a person guilty of an offence against clause 75 must, in addition to any penalty that it may impose, make an order directing the payment of agistment fees:

- (a) if the offence related to travelling within a particular district—to the board for that district; or
- (b) if the offence related to travelling within 2 or more districts—to the boards for each of those districts in such proportions as the court considers appropriate.

(2) An order under this clause for the payment of agistment fees may be made against either or both of the following:

- (a) the person shown in the walking stock permit as the owner of the stock;
- (b) the person who was in charge of the stock at the time of the relevant offence.

If the order is made against both of those persons, the court may apportion the fees between them.

(3) The agistment fees to be specified in an order under this clause are to be calculated in respect of the number of days by which the journey exceeded the number of days it would have taken if clause 75 had been complied with in relation to the stock.

(4) The agistment fees to be specified in an order under this clause are:

- (a) 50 cents for each 10 head of small stock or any part of that number; or
- (b) 50 cents for each head of large stock,

for each day by which the journey exceeded the number of days that it would have taken if the stock had complied with clause 75.

(5) An order for the payment of agistment fees under this clause operates and is enforceable as a judgment under the Local Courts (Civil Claims) Act 1970.

(6) Such an order may be entered in the records of:

- (a) the court exercising jurisdiction under the Local Courts (Civil Claims) Act 1970 named in the order; or
- (b) if no such court is named, in the records of any court exercising that jurisdiction.

#### Agistment fees payable in other cases

78. (1) The holder of a walking stock permit must pay agistment fees to the appropriate board if the stock to which the permit relates cannot be moved at the rate required by clause 75 because of the condition of the stock. The agistment fees payable are those determined by that board in accordance with subclause (2) but must not be more than those referred to in clause 77 (4).

(2) For the purposes of subclause (1), agistment fees are to be calculated:

- (a) by ascertaining the walking stock permit fees payable for the period that the journey actually took; and
- (b) by subtracting from those walking stock permit fees the walking stock permit fees payable that would have been payable if the stock had travelled at the rate required by clause 75.

(3) Agistment fees to be paid to a board under this clause are payable within 48 hours after a demand is made by the board or an authorised officer of the board.

(4) A board may remit or waive agistment fees payable to the board under this clause, and must do so if directed by the Minister in a particular case.

#### Walking stock to be held in stock holding area at night

79. (1) If:

- (a) stock are halted for the night while on a journey over a public road or travelling stock reserve; and
- (b) there is a vacant stock holding area within 2 kilometres of where the stock are halted,

the person in charge of the stock must place the stock in that area, unless there is reasonable justification for not doing so.

Maximum penalty: 5 penalty units.

(2) For the purposes of section 98 (9) of the Act, the requirements for a portable holding structure are that it:

- (a) is adequate to prevent stock from escaping; and
- (b) is erected as far as practicable from the carriageway of any public road that is in the vicinity.

A portable holding structure that is to be used to hold large stock may consist of an electrified fence but only if it is capable of preventing the stock from escaping.

(3) A person in charge of stock who proposes to erect a portable holding structure in the vicinity of land that is permanently fenced must ensure that the structure is located at least 1 metre from the fence.

Maximum penalty: 5 penalty units.

(4) If, while on a journey over a public road or travelling stock reserve, stock are halted for the night otherwise than in a stock holding area, the person in charge of the stock must erect in the appropriate positions the appropriate stock warning signs. Those positions are those specified in clause 82 (2) and those signs are stock warning signs that comply with clause 82 (3).

Maximum penalty: 10 penalty units.

(5) If stock are to be halted for the night at any place other than in a stock holding area, the person in charge of the stock must ensure that the stock are halted as far as practicable away from the carriageway of any public road that is in the vicinity.

Maximum penalty: 5 penalty units.

(6) A person in charge of stock is not guilty of an offence against clause 75 if the person proves that, in order to avoid committing an offence against subclause (1):

- (a) on the relevant day, the stock travelled a distance that is less than the distance required by that clause; and
- (b) the difference between those distances was less than 2 kilometres.

Note. Section 98 of the Act empowers a board to establish stock holding areas within travelling stock reserves that are under its control.

#### Signs required for stock holding area

80. A sign is of kind required for the purposes of section 98 (3) of the Act if it:

- (a) is of weather-proof construction; and
- (b) states that the relevant enclosure is a stock holding area; and
- (c) specifies the name of the relevant board; and
- (d) indicates that any inquiries about the stock holding area should be directed to that board.

Note. Section 98 of the Act empowers a board to establish stock holding areas within travelling stock reserves that are under its control. Subsection (3) of that section requires signs of a kind prescribed by regulations under the Act to be erected at or close to the entrance or an entrance to a stock holding area.

#### Stock not to camp on road or travelling stock reserve during short distance travel

81. A person who is in charge of walking stock must ensure that the stock do not camp on a public road or travelling stock reserve if the total journey to be undertaken is less than 16 kilometres.

Maximum penalty: 10 penalty units.

#### Requirements for display of stock warning signs on public road when stock moved more than 1 kilometre

82. (1) This clause applies to stock if the stock are being walked over, or are grazing or halted on, a public road and the total distance of the journey is more than 1 kilometre.

(2) The person in charge of stock to which this clause applies must ensure that:

- (a) stock warning signs are displayed so that they face traffic that is approaching the stock; and
- (b) each of the signs is placed on the road so that there is no more than 5 kilometres, and no less than 200 metres, between the sign and the place where a vehicle being driven towards the stock would first encounter the stock; and
- (c) unless the road is "one way" (in which case only one sign is required)—the signs are placed on the road on both sides of the stock; and
- (d) the particulars shown on the signs are clearly visible to drivers of vehicles approaching the stock; and
- (e) the signs are removed as soon as practicable after the stock have left the road; and
- (f) the signs comply with subclause (3) and, where appropriate, clause 85.

Maximum penalty: 5 penalty units.

(3) A stock warning sign complies with this subclause if:

- (a) the sign is constructed of:
  - (i) rigid metal, heavy duty plastic, corflute or other rigid and durable material; or
  - (ii) material that can be folded or rolled and which is securely held by a frame or posts while unfolded or unrolled when used for the purposes of section 96 of the Act; and
- (b) the particulars in Diagram A, B or C in Part 2 of Schedule 3 (whichever is appropriate) are shown on the sign; and
- (c) those particulars are coloured black on a yellow background; and
- (d) the sign is in the form of a flat, square sheet with the sides being at least 750 millimetres in length.

(4) This subclause does not apply to a movement of stock to which clause 83 or 84 or to a grazing of stock to which clause 96 applies.

Note. Section 96 of the Act requires the person in charge of stock to display stock warning signs when stock are walking or grazing on or near a public road.

Requirements for display of stock warning signs on public road when stock moved not more than 1 kilometre

83. (1) This clause applies to stock if the stock are being walked over, or are grazing or halted on, a public road and the total distance of the journey is not more than 1 kilometre.

(2) The person in charge of stock to which this clause applies must ensure that:

- (a) stock warning signs are displayed on the road at places that are no more than 500 metres, and no less than 200 metres, before the place on the road where the stock movement is to begin and no more than 500 metres, and no less than 200 metres, after the place where the stock are to leave the road; and
- (b) the particulars shown on the signs are clearly visible to drivers of vehicles approaching the stock; and
- (c) the signs:
  - (i) comply with subclause (3) and, where appropriate, clause 85; or
  - (ii) are permanent signs of a type approved by the local authority concerned (in the case of a public road that is not a Crown road) or the Minister for Crown Lands (in the case of a Crown road).

Maximum penalty: 5 penalty units.

(3) A stock warning sign complies with this subclause if:

- (a) the sign is constructed of:
  - (i) rigid metal, heavy duty plastic, corflute or other rigid and durable material; or
  - (ii) material which can be folded or rolled and which is securely held by a frame or posts while unfolded or unrolled when used for the purposes of section 96 of the Act; and
- (b) the particulars in Diagram A, B or C in Part 3 of Schedule 3 (whichever is appropriate) are shown on the sign; and
- (c) those particulars are coloured black on a yellow background; and
- (d) the sign is in the form of a flat, square sheet with the sides being at least 750 millimetres in length.

(4) This clause does not apply to a movement of stock to which clause 84 applies or to a grazing of stock to which clause 96 applies.

Note. Section 96 of the Act requires the person in charge of stock to display stock warning signs when stock are walking or grazing on or near a public road.

Requirements for display of stock warning signs when unfenced road passes through certain land

84. (1) This clause applies to land if an unfenced public road passes through the land and the land is normally grazed by stock.

(2) The occupier of land to which this clause applies must ensure:

- (a) that stock warning signs complying with subclause (3) are permanently displayed at each end of the road where it intersects the boundaries of the land; or
- (b) that the distance between the signs is not greater than the distance specified by the local council (in the case of a public road that is not a Crown road) or the Minister for Crown Lands (in the case of a Crown road).

Maximum penalty: 5 penalty units.

(3) A stock warning sign complies with this subclause if either:

- (a) the particulars in Diagram A, B or C in Part 3 of Schedule 3 (whichever is appropriate) are shown on the sign; or
- (b) the sign is a permanent sign of a type approved by the local authority concerned (in the case of a public road that is not a Crown road) or the Minister for Crown Lands (in the case of a Crown road).

Requirements for stock warning signs to be displayed at night

85. (1) A person who is required to ensure that stock warning signs are displayed in accordance with a provision of this Part must also ensure that this clause is complied with if the signs are to be displayed at night.

Maximum penalty: 5 penalty units.

(2) A stock warning sign that contains the particulars shown in Diagram C in Part 2 or 3 of Schedule 3 must be made of reflective material if it is displayed at night.

Stock warning signs to apply to stock animals of all kinds

86. A stock warning sign applies to every kind of stock animal even though it depicts a particular kind of stock animal.

Authorised officer can remove certain stock warning signs

87. An authorised officer of a board who considers that a stock warning sign erected on a public road does not relate to stock located on or near the road may remove the sign to a place of safe keeping and retain it there until claimed by its owner or disposed of in accordance with law.

Board may mark stock warning signs for identification purposes

88. A board that supplies stock warning signs:

- (a) may mark on the back of the signs permanent numbers or symbols to enable the signs to be identified; and
- (b) if it does so, must maintain a record of those numbers or symbols and the persons to whom the signs were supplied.

Person in charge to ensure stock are adequately controlled

89. (1) A person in charge of stock must keep the stock under control at all times while the stock are on a public road or travelling stock reserve.

(2) For the purposes of subclause (1), "control", in relation to stock, means action designed to ensure that the stock do not stray to a location, or do not behave in a manner, that would be hazardous to passing traffic or to the general public.

(3) A person in charge of stock who, without reasonable excuse, fails to comply with this clause is guilty of an offence.

Maximum penalty: 10 penalty units.

Board or authorised officer may give directions about walking stock

90. (1) A board, or an authorised officer of a board, may direct the person in charge of walking or grazing stock that are on a public road or travelling stock reserve to increase the number of persons supervising the stock, so as to minimise the risk to passing traffic or for any other reason that the board or officer considers appropriate.

(2) An authorised officer of a board may direct the person in charge of stock on a public road or a travelling stock reserve to reduce the dispersal of the stock.

(3) A person in charge of stock who, without reasonable excuse, fails to comply with a direction given under this clause is guilty of an offence.

Maximum penalty:

- (a) 10 penalty units in the case of a direction given under subclause (1);
- (b) 5 penalty units in the case of a direction given under subclause (2).

Conditions of walking stock permits

91. (1) When issuing a walking stock permit, a board, or a prescribed officer of a board, may impose a condition restricting the number of walking stock that can be moved under the authority of the permit.

(2) It is a condition of a walking stock permit that, as far as practicable, the person in charge of stock that are being moved under the authority of the permit will ensure that the stock are kept in a cohesive mob and that they do not disperse along an unreasonable length of a public road or travelling stock reserve.

(3) A person in charge of stock who fails to comply with a condition of a walking stock permit is guilty of an offence.

Maximum penalty: 10 penalty units.

(4) A penalty may be imposed under subclause (3) irrespective of whether or not the permit has been revoked under section 92 (11) of the Act.

Note. Section 92 of the Act deals with the issue of walking stock permits.

Person in charge not to leave stock unattended

92. For the purposes of section 98 (10) of the Act, the circumstances in which a person who is in charge of walking stock may leave the stock unattended on a public road or travelling stock reserve are as follows:

- (a) when the person sustains an incapacitating illness or injury while in charge of the stock;
- (b) when it is necessary to move stock warning signs;

- (c) when the stock are held in a stock holding area established by a board under section 98;
- (d) in circumstances approved in writing by a ranger.

Note. Section 98 of the Act empowers a board to establish stock holding areas within travelling stock reserves that are under its control.

#### Commissions payable to permit officers

93. (1) For the purposes of section 91 (2) of the Act, the commission that a board is authorised to pay to a permit officer is 5 per cent of the amount that the permit officer has collected for each walking stock permit issued by the officer, but no more than \$2 is payable to the officer in respect of any one permit.

(2) Commission payable under this clause is not payable to an employee of a board.

Note. Section 91 of the Act provides for the appointment of permit officers for the purposes of Division 3 of Part 6 of the Act (which relates to walking and grazing stock).

#### Penalty fee—movement of walking stock

94. For the purposes of section 90 (5) of the Act, the penalty fee is to be a further payment equal to the fee which would have been payable if the person had obtained a walking stock permit or grazing permit authorising the movement or grazing of the stock concerned.

Note. Section 90 of the Act prohibits a person from walking or grazing stock over or on a public road or travelling stock reserve except under a walking stock permit or a grazing permit. Subsection (5) of the section enables the relevant board to recoup the fee that should have been paid and a penalty fee of an amount prescribed by regulations under the Act.

#### Fees for grazing permits

95. The fee that may be charged for the issue of a grazing permit must not exceed \$1 per day for each large stock, or each 10 small stock or part of that number.

Note. Section 93 of the Act enables a board to issue grazing permits.

#### Conditions of temporary grazing permits

96. (1) For the purposes of section 94 (7) of the Act, the following conditions are prescribed:

- (a) grazing is allowed only during the hours between sunrise and sunset;
- (b) stock warning signs must be displayed so that they face all traffic that may approach the stock;
- (c) each of the signs must be placed on the road so that there is no more than 500 metres, and no less than 200 metres, between the sign and the place where a vehicle being driven towards the stock would first encounter them;
- (d) unless the road is "one way" (in which case only one sign is required)—the signs must be placed on the road on both sides of the stock;
- (e) the particulars shown on the signs must be clearly visible to drivers of vehicles approaching the stock;
- (f) the signs must be removed as soon as practicable after the stock have left the road;
- (g) the signs must comply with subclause (2) and, where appropriate, clause 85;
- (h) a responsible person must at all times while the stock are grazing on a public road be in attendance to supervise and control the stock.

(2) A stock warning sign complies with this subclause if:

- (a) the sign is constructed of:
  - (i) rigid metal, heavy duty plastic, corflute or other rigid and durable material; or
  - (ii) material that can be folded or rolled and which is securely held by a frame while unfolded or unrolled when used for the purposes of section 96 of the Act; and
- (b) the particulars in Diagram A, B or C in Part 3 of Schedule 3 (whichever is appropriate) are shown on the sign; and
- (c) those particulars are coloured black on a yellow background; and
- (d) the sign is in the form of a flat, square sheet with the sides being at least 750 millimetres in length.

(3) A temporary grazing permit authorising stock to graze on public roads may not be issued, and if issued is not valid, unless:

- (a) the roads concerned are within an area that the Minister has publicly declared to be drought stricken; or
- (b) there is a need to reduce a bushfire hazard by grazing; or



- (c) the holding on which the stock are normally held is or has been directly damaged by flood or bushfire; or
- (d) both the board and the relevant local authority have agreed that any other specified circumstances exist that warrant the issue of such a permit.

(4) For the purposes of section 94 (4) of the Act, the fee that may be charged for the issue of a temporary grazing permit must not exceed 50 cents per day for each large stock or each 10 small stock or part of that number.

(5) If a local authority has, in accordance with the Roads Act 1993, declared that access to a public road within the area is not permitted, a temporary grazing permit which would authorise stock to graze along that road is not valid for that road.

Notes. Section 94 of the Act enables a board to issue temporary grazing permits.

Section 96 of the Act requires stock warning signs to be displayed on a public road or travelling stock reserve when stock are being walked over, or grazed on, the road or reserve.

#### Disposal of carcasses required

97. (1) The person in charge of walking or grazing stock that die on or within 800 metres of a public road or travelling stock reserve must, within 48 hours of the death:

- (a) destroy the carcasses of the stock by burning; or
- (b) bury those carcasses; or
- (c) dispose of them in such manner as may be approved by an authorised officer of the relevant board.

(2) A person in charge of stock who, without reasonable excuse, fails to comply with subclause (1) is guilty of an offence.

Maximum penalty: 5 penalty units for each carcass in respect of which the offence was committed.

(3) A board may destroy, bury or otherwise dispose of carcasses within its district that have not been dealt with as required by subsection (1). On exercising that power, a board may, by proceedings brought in a court of competent jurisdiction, recover from the owner of the stock concerned any expenses reasonably incurred in destroying, burying or otherwise disposing of the carcasses.

#### Purposes for which stock holding authority can be issued

98. For the purposes of section 95 (3) of the Act, a stock holding authority may authorise its holder:

- (a) to take stock onto, and keep them on, a specified travelling stock reserve for the purpose of grazing or resting them; or
- (b) to carry out any other activity connected with their proper management.

Note. Section 95 of the Act empowers a board to issue stock holding permits authorising stock to be kept on specified travelling stock reserves. Subsection (3) of that section provides for the purposes for which stock can be kept on a travelling stock reserve to be specified in regulations under the Act.

### Division 4—Stock licences

#### Issue and revocation of stock licences

99. (1) For the purposes of section 100 (2) of the Act, the maximum fee that may be charged for a stock licence is \$5 for each year or part of a year for which the licence is issued.

(2) A stock licence must specify the places between which, or the area within which, the licence is valid.

(3) A stock licence may indicate a maximum distance within which it authorises the movement of stock.

(4) The fee determined by a board as payable for the issue of a stock licence is to be charged irrespective of:

- (a) the area within which the licence is valid; or
- (b) the period for which the licence is issued,

and whether or not a maximum travel distance is endorsed on the licence.

(5) An applicant for a stock licence must provide such information as the board considers necessary to enable it to decide whether or not the licence should be issued.

(6) A board may refuse to issue a stock licence only on a reasonable ground. On refusing to issue such a licence, a board must give written notice of the refusal to the applicant. The notice must specify the ground for the refusal.

(7) Without limiting subclause (6), a board may refuse to issue a stock licence if an authorised officer of the board has reported to the board that the officer reasonably suspects that stock on the applicant's holding are suffering from a contagious disease.

(8) On revoking a licence under section 100 (7) of the Act, a board must give written notice of the revocation to the person concerned. The notice must specify the ground for the revocation. The revocation takes effect when it is notified to that person.

Note. Section 100 of the Act enables boards to issue stock licences for the movement of stock, either by walking or by vehicle.

What stock licences can be used for

100. (1) For the purpose of section 99 (1) of the Act, a person may, instead of transporting stock under the authority of a transported stock statement, move the stock by vehicle under the authority of a stock licence.

(2) A stock licence issued by a board authorises its holder to move stock by vehicle to any place within the board's district, unless the board has endorsed the licence with a condition restricting the movement of stock within the district.

(3) For the purpose of section 99 (1) of the Act, a person may move walking stock under the authority of a stock licence instead of a walking stock permit but only if the journey:

- (a) in the case of a movement of large stock—is not more than 16 kilometres; or
- (b) in the case of a movement of small stock, or stock consisting partly of large stock and partly of small stock—is not more than 10 kilometres,

and is:

- (c) between any 2 holdings occupied by the same occupier; or
- (d) to or from a place to be sheared, crutched, dipped, branded, earmarked or to be treated for any other purpose associated with good animal husbandry practice; or
- (e) in the case of stock other than horses—to or from an agricultural exhibition; or
- (f) in the case of stock that are less than 6 months old and not accompanied by older stock—to a saleyard or an abattoir; or
- (g) in the case of stock that have been taken to a saleyard for sale but were not sold—to the holding from which they were taken for the purpose of sale.

(4) A stock agent may move walking stock under the authority of a stock licence instead of a walking stock permit if:

- (a) the journey is between the agent's holding-paddock or holding-yard and a saleyard or an abattoir and is not more than 5 kilometres; and
- (b) the stock were originally moved to the holding-paddock or holding-yard under the authority of a transported stock statement or walking stock permit.

Note. Section 99 of the Act specifies the purposes for which a stock licence can be used.

## Division 5—Apiary sites on travelling stock reserves

Penalty fee for unauthorised use of apiary site

101. For the purposes of section 101 (10) of the Act, the prescribed penalty fee is \$200.

Note. Section 101 of the Act empowers a board to issue permits for apiary sites on travelling stock reserves. Subsection (10) of that section enables a board to recover from a person who establishes such a site without having obtained an apiary site permit from the board the amount of permit fee that would have been payable and a penalty fee of an amount prescribed by regulations under the Act.

## Division 6—Matters concerning prescribed officers

Definition: "prescribed officer"

102. In this Division, "prescribed officer" means a prescribed officer within the meaning of section 88, 90 or 92 of the Act.

Notes. Section 88 of the Act imposes restrictions on the movement of stock by vehicular transport.

Section 90 of the Act requires a person to obtain an authority before moving walking stock.

Section 92 of the Act provides for the issue of walking stock permits.

Duties of prescribed officers

103. (1) In addition to those functions imposed or conferred on a prescribed officer by the Act, a prescribed officer has the functions of:

- (a) receiving any properly completed application made to the officer for a transported stock statement or walking stock permit; and
- (b) if appropriate:
  - (i) calculating the distance involved in the journey specified in such an application; and
  - (ii) calculating and collecting the fees payable for transported stock statements and walking stock permits issued by the officer; and
- (c) preparing walking stock permits, signing the permits as a prescribed officer and issuing the permits to applicants; and
- (d) sending to the relevant board, in accordance with the directions of that board, copies of all completed transported stock statements and walking stock permits issued by the prescribed officer; and
- (e) paying to the secretary of that board in accordance with the directions of the board all fees received by the officer for transported stock statements and walking stock permits; and
- (f) sending to that board all used books of transported stock statements and walking stock permits issued by the officer.

(2) A prescribed officer who is employed by a board must:

- (a) if requested to do so by an authorised officer of the board, or by a police officer, produce for inspection any document issued to or used by the prescribed officer in connection with the officer's functions that has not yet been sent to the board; and
- (b) promptly answer any written or oral question directed to the prescribed officer by the board, an authorised officer of the board or a police officer, in connection with the prescribed officer's functions.

(3) A prescribed officer who, without reasonable excuse, fails to comply with subclause (2) (a) or (b) is guilty of an offence.

Maximum penalty: 2 penalty units.

Obligation of person on ceasing to be prescribed officer

104. A person who is no longer employed by a board as a prescribed officer:

- (a) must stop performing the functions of a prescribed officer; and
- (b) must send or deliver to the board in accordance with its directions:
  - (i) all money received or collected by the person that has not already been sent or delivered to the board; and
  - (ii) if those directions so require, a written summary specifying the sources from which the money was received or collected; and
  - (iii) all documents issued by that board that are still in the person's possession.

Maximum penalty: 2 penalty units.

## PART 5—ABANDONED AND TRESPASSING STOCK

### INTRODUCTORY NOTE

This Part supplements Part 7 of the Act, which deals with the impounding of abandoned, straying and trespassing stock animals and empowers boards to establish pounds for the keeping of impounded animals until they are claimed or otherwise disposed of in accordance with that Part.

How board pound is opened and closed

105. (1) A board pound is to be opened or closed by publishing a notice of the opening or closing in a local newspaper not more than 1 month and not less than 1 week before the opening or closing.

(2) In this clause, "local newspaper" means a newspaper circulating in the district where the pound is located.

Note. Section 110 of the Act empowers a board to establish public pounds within its district.

Board's responsibilities for pound

106. (1) A board that has opened a pound must ensure that the land comprising the pound is secured well enough to prevent the escape of impounded animals.

(2) The board must also:

- (a) display at the pound conspicuous weather proof signs containing:
  - (i) a statement that the land is a pound established under Rural Lands Protection Act 1989; and
  - (ii) a statement that it is an offence against the Act to remove an animal from the pound without the authority of the board or an authorised officer of the board; and
  - (iii) the name of the board and a telephone number at which an authorised officer of the board can be contacted; and
- (b) install a notice board at or near the entrance to the pound.

#### Public responsibilities of poundkeeper

107. (1) The poundkeeper must display on the pound notice board a notice listing the animals that are currently held at the pound, including:

- (a) a brief description of those animals; and
- (b) the dates on which they were placed in the pound; and
- (c) the details of any brand or earmark designs that are applied to the animals.

A fresh notice must be displayed within 24 hours after an animal is received into the pound.

Maximum penalty: 10 penalty units.

(2) The poundkeeper must:

- (a) receive into the pound any animal brought to be impounded by a prescribed officer or other person authorised by section 111 of the Act to impound stock; and
- (b) issue a receipt for the animal.

(3) A poundkeeper must keep a pound register. The register is to be in a form directed or approved by the Minister.

Maximum penalty: 10 penalty units.

(4) A poundkeeper must enter in the pound register, at the relevant time and as indicated by the form of the register:

- (a) particulars of each animal that is impounded at the pound and of each dealing with the animal (including particulars of how the animal is disposed of, whether by release or sale or otherwise); and
- (b) all other particulars required by the form of the register.

Maximum penalty: 10 penalty units.

(5) A poundkeeper must allow any member of the public who attends the pound while it is open for business to inspect the pound register or, if the register is kept in a computerised form, a print out of the register.

Maximum penalty: 10 penalty units.

(6) A poundkeeper must retain the pound register in safe custody and must ensure that an entry in the register is retained for at least 5 years from the date on which it was made.

Maximum penalty: 10 penalty units.

(7) A poundkeeper must:

- (a) reply to an inquiry about an animal that may have been impounded within 7 days after receiving the inquiry; and
- (b) retain in safe custody the inquiry and a copy of the response to it for at least 12 months after the inquiry was made.

Maximum penalty: 10 penalty units.

(8) On ceasing to hold office, a poundkeeper must, in accordance with the written orders of the board concerned, hand over to that board all property of that board that is in the poundkeeper's possession.

Maximum penalty: 10 penalty units.

Note. Section 111 of the Act empowers rangers and certain other officers of a board to impound abandoned, straying or trespassing stock.

#### Poundkeeper to give notice of impounded animal

108. (1) When an animal is impounded in a board pound, the poundkeeper must give notice of the impounding in accordance with this clause.

(2) If the owner of the animal is known to the poundkeeper, the poundkeeper must, within 48 hours after the impounding, notify the impounding to the owner personally or by telephone or in writing sent by post.

(3) If the owner of the animal is not known to the poundkeeper, the poundkeeper must, within 7 days after the impounding, publish in a newspaper circulating in the district where the pound is located a notice giving particulars of the impounding and of the animal.

Maximum penalty: 10 penalty units.

(4) A notice published under subclause (3) may relate to 2 or more impounded animals.

**Poundkeeper to ensure well-being of impounded animals**

109. (1) When animals are impounded in a board's pound, the poundkeeper must ensure:

- (a) that, at least once each day, the animals are provided with adequate food and water; and
- (b) that the pound is kept clean and secure for the proper care of the animals.

If necessary, the poundkeeper may take the animals from the pound for the purpose of providing them with food and water.

Maximum penalty: 10 penalty units.

(2) A poundkeeper may clip or shave a brand, earmark or tattoo design of an animal kept at the pound if in doubt as to the correct reading of the brand, earmark or tattoo design.

(3) A poundkeeper who knows that animals kept in the pound are suffering from a contagious disease must:

- (a) keep those animals separate from all other animals kept in the pound; and
- (b) report the disease to the district veterinarian.

Maximum penalty: 10 penalty units.

**Board to display notice of fees and charges at pound**

110. (1) A board must display on its pound notice board a list of the impounding, agistment and sustenance fees and other charges prescribed by this clause for the purposes of section 116 (1) of the Act.

(2) For the purposes of section 116 (1) of the Act, the following fees and charges are prescribed:

- (a) for animals walked to a pound—droving fees as set out in Part 1 of Schedule 4;
- (b) for animals impounded in a board's pound:
  - (i) impounding fees as set out in Part 2 of Schedule 4; and
  - (ii) deterrent fees as set out in Part 3 of Schedule 4;
- (c) all expenses incurred in feeding and watering and, providing veterinary care to, impounded stock;
- (d) if an animal seized or detained for impounding is transported by a board, or a person acting under the authority of the board, to the board's pound—all expenses that the board has incurred in transporting the animal to the pound.

(3) If a board, or an authorised officer of the board, transports an animal to a local authority's pound, the board may, by proceedings brought in a court of competent jurisdiction, recover from the owner of the animal all fees and charges that would have been payable to the board for transporting the animal to the local authority's pound had the pound been the board's pound. In this case, the board must pay to the local authority all fees and charges relating to the animal's impounding after the animal arrives at that authority's pound.

(4) A board that has impounded stock without having exercised its power under section 116 (1) of the Act with respect to the payment of impounding, agistment or sustenance fees or other charges payable in respect of the impounding of the stock may recover those fees and charges from the owner of the stock by proceedings brought in a court of competent jurisdiction.

Note. Section 116 of the Act provides for the release of impounded stock.

**How long animal may be kept before being formally impounded**

111. (1) A prescribed officer of a board who has mustered stock under section 111 (1) of the Act may delay taking them to the board's pound for impounding for up to 7 days.

(2) A prescribed officer who delays taking stock to the board's pound for impounding in accordance with subclause (1) must keep the stock on a travelling stock reserve pending their release or their being taken to the board's pound for impounding.

Note. Section 111 of the Act provides for the impounding of abandoned, straying or trespassing stock.

**When seized or detained animal can be released to owner**

112. (1) A prescribed officer of a board who has seized or detained an animal under Part 7 of the Act may release the animal to its owner, or to any person authorised in writing by its owner to take delivery of the

animal, even though the animal has not been formally impounded. However, the release is subject to the payment of all relevant fees and charges prescribed for the purposes of section 116 (1) of the Act, calculated at the same rates as those that would have been applicable had the animal been received into the board's pound.

(2) A person who receives money in accordance with subclause (1) for the release of a seized or detained animal must issue a receipt for the money and pay it to the board concerned.

(3) A person who, without lawful excuse, fails to comply with subclause (2) is guilty of an offence.

Maximum penalty: 10 penalty units.

Notes. Part 7 of the Act deals with abandoned and trespassing stock. The definition of "stock" is extended to include pigs for the purposes of that Part.

Section 116 of the Act provides for the release of impounded stock.

#### Applicant for release of impounded animal to provide certain information

113. (1) A poundkeeper may refuse to release an animal impounded at the pound unless the applicant for the animal's release:

- (a) provides the applicant's full name and residential address; and
- (b) if the applicant is not the animal's owner—provides the full name and residential address of that owner and an authorisation by that owner to make the application on that owner's behalf; and
- (c) gives a receipt for the animal.

(2) A poundkeeper may also refuse to release an animal to an applicant for its release if the applicant gives information that the poundkeeper believes on reasonable grounds to be false or misleading.

(3) An applicant for the release of an animal from a board pound who:

- (a) claims to be the animal's owner or to be authorised by the animal's owner to obtain its release; or
- (b) gives a name or address,

knowing that the claim, or the name or address, is false or misleading, is guilty of an offence.

Maximum penalty: 10 penalty units.

#### When impounded animals can be sold

114. (1) A poundkeeper may sell impounded animals on behalf of the board in accordance with this clause and not otherwise.

(2) A poundkeeper may sell an impounded animal if:

- (a) the poundkeeper has the written authority of the owner of the animal to sell it; or
- (b) where the animal is not a goat or pig and the owner of the animal is known to the poundkeeper:
  - (i) the animal has been kept in the pound for at least 4 days after the day on which the required impounding notice was served on the owner; and
  - (ii) the poundkeeper has obtained the board's approval to sell the animal; or
- (c) where the animal is not a goat or pig and the owner of the animal is unknown to the poundkeeper:
  - (i) the animal has been kept in the pound for at least 7 days after the day on which the required impounding notice was published; and
  - (ii) the poundkeeper has obtained the board's authority to sell the animal; or
- (d) where the animal is a goat or pig—the animal has been kept in the pound for at least 3 days.

(3) A board must, before authorising the sale of an animal that is impounded, satisfy itself that the requirements of the Act have been complied with.

(4) A sale of impounded animals under this clause must be by public auction conducted by the poundkeeper or by a registered stock agent appointed for the purpose by the board. The sale may be conducted either:

- (a) at the board's pound; or
- (b) at a market or saleyard designated by the board.

(5) A poundkeeper is not required to hold an auctioneer's licence in order to conduct an auction under this clause.

(6) A sale of impounded animals under this clause has the same effect as if the person who owned the animals before the sale had expressly authorised the sale.

(7) An animal that is to be sold under this clause must not be bought by the poundkeeper, any member of the board or any employee of the board. A purchase in contravention of this subclause is void.

(8) A poundkeeper must not deliver an animal sold under this clause until the sale price is paid.

(9) If the price for which an animal sold at an auction conducted under this clause is not paid within 15 minutes after the end of the auction, the poundkeeper may:

- (a) rescind the sale of the animal; and
- (b) reopen the auction and offer the animal for resale.

(10) Except as provided by subclause (7), the failure of a poundkeeper to carry out a requirement of this clause in relation to an animal does not affect the validity of the impounding or sale of the animal.

(11) The proceeds arising from a sale of an animal under this clause are to be applied:

- (a) firstly, in the payment of the expenses incurred by the poundkeeper in selling the animal; and
- (b) secondly, in the payment to the board of impounding, agistment and sustenance fees and other charges that are payable under this Part in respect of the impounding of the animal,

and the balance (if any) is to be dealt with in accordance with the Unclaimed Money Act 1982.

(12) If:

- (a) the proceeds of sale of an animal under this clause are insufficient to cover the expenses of fees and charges referred to in subclause (11) (a) and (b); and
  - (b) the person who owned the animal when it was sold is known to the board concerned,
- that board may, by proceedings brought in a court of competent jurisdiction, recover expenses, fees and charges (or the balance of them) from that person.

When abandoned or trespassing stock can be destroyed

115. (1) For the purposes of section 115 of the Act, the prescribed method for disposing of carcasses of stock that have been destroyed in accordance with that section is by burning or burying.

(2) A prescribed officer who is responsible for disposing of the carcasses of stock destroyed under section 115 of the Act must dispose of those carcasses within 48 hours after destroying them.

Note. Section 115 of the Act empowers a prescribed officer of a board to destroy abandoned or trespassing stock if the officer thinks the stock are worth less than the cost of moving them to the nearest pound or the district veterinarian thinks they are in a distressed state.

## PART 6—STOCK WATERING PLACES

### INTRODUCTORY NOTE

This Part supplements Part 8 of the Act, which provides for the proclamation of places as stock watering places and the designation of controlling authorities for those places, prescribes the functions of those authorities in relation to stock watering places and generally regulates the use of stock watering places.

Approval for construction work at stock watering place in Western Division

116. For the purposes of section 119 (2) of the Act, the specified amount is \$20,000.

Notes. Section 119 of the Act empowers a controlling authority to construct works at stock watering places. Subsection (2) of that section provides that, if, in the case of a stock watering place in the Western Division, the cost of proposed works is more than an amount specified in regulations under the Act, the works may be undertaken only with the prior approval of the Minister. Section 118 of the Act specifies which bodies are to be controlling authorities of stock watering places.

Alternative means for leasing stock watering places

117. (1) For the purposes of section 121 of the Act, the following means are prescribed:

- (a) the controlling authority of a stock watering place may, by public notice, invite persons to lodge with the authority expressions of interest for a lease of the watering place;
- (b) that authority may, after considering expressions of interest lodged with it by persons in response to such an invitation, grant a lease to one of those persons.

(2) The means prescribed by subclause (1) are an alternative to granting a lease by auction or public tender.

Note. Section 121 of the Act enables the controlling authority of a stock watering place to grant a lease of the watering place for a term not exceeding 10 years and to grant an extension of such a lease for a term not exceeding 5 years.

Persons and stock entitled to water from stock watering place

118. (1) For the purposes of section 122 (1) of the Act, the following classes of persons are specified:

- (a) persons requiring water for household purposes;

- (b) a local authority or a Government agency for use in the construction, improvement or maintenance of public roads;
- (c) persons requiring water for a commercial purpose (such as for supplying a hotel, motel or other place that provides accommodation for the public);
- (d) drivers of vehicles who require water for the operation of their vehicles;
- (e) stock that are owned by, or are being agisted by, the lessee of a stock watering place (but only in accordance with the terms of the lease).

(2) In subclause (1) (a), "household purposes" does not include gardening purposes or external household purposes, such as window cleaning or house washing, but includes protection from fire.

(3) For the purposes of section 122 (1) of the Act, the following classes of stock are specified:

- (a) travelling stock that are subject to a walking stock permit or transported stock statement;
- (b) travelling stock that are subject to an order made or a permit issued under the Stock Diseases Act 1923;
- (c) horses that are accompanied by riders.

(4) For the purposes of section 122 (1) of the Act, the following fees are prescribed:

- (a) for each head of small stock—1 cent for each period of up to 24 hours;
- (b) for each head of large stock—10 cents for each period of up to 24 hours or such smaller amount of money as the relevant controlling authority determines;
- (c) for any purpose other than watering small or large stock—\$2.00 for every 1,000 litres of water supplied, or part of that quantity, or such smaller amount of money as that authority determines.

(5) The fee payable for watering travelling stock is to be calculated on the basis of the number of stock specified in the relevant walking stock permit or transported stock statement, or order or permit under the Stock Diseases Act 1923. However, if the person in charge of the stock satisfies the person in charge of the stock watering place that some of the stock have been lost in transit, the fee is to be reduced proportionately.

(6) A person is entitled to take water from a stock watering place only if the appropriate fee for the water is paid to the person authorised by the relevant controlling authority to collect stock watering fees on its behalf or in accordance with other arrangements approved by that authority.

(7) Any person who takes, or any person in charge of stock that take, water from a stock watering place otherwise than in accordance with subclause (6) is guilty of an offence.

Maximum penalty: 5 penalty units.

(8) Stock that are moved under the authority of a stock licence may be watered at a stock watering place only in accordance with conditions published by the relevant controlling authority.

Note. Section 122 of the Act requires the controlling authority of a stock watering place, on request, to supply water or allow stock to depasture at the watering place.

#### Controlling authority to provide notice board

119. (1) The controlling authority of a stock watering place must install a notice board at the stock watering place.

(2) The notice board must contain the following information:

- (a) a statement that the place is a stock watering place within the meaning of the Rural Lands Protection Act 1989;
- (b) the title of the officer designated by the authority to deal with inquiries about the use of the place for watering stock and a telephone number at which the person can be contacted.

#### Water not to be taken from stock watering place without authority

120. A person who, without lawful authority, takes or contaminates, or assists another person to take or contaminate, water from or at a stock watering place is guilty of an offence.

Maximum penalty: 10 penalty units.

#### Equipment at stock watering place not to be interfered with

121. A person who, without lawful authority, removes or interferes with, or assists another person to remove or interfere with, equipment (such as a water pump) installed at a stock watering place is guilty of an offence.

Maximum penalty: 10 penalty units.



#### Duties of persons in charge of stock at stock watering place

122. (1) A person in charge of stock that are at a stock watering place must ensure that:

- (a) the stock gain access to a water tank at the place only with the consent, and in accordance with the directions, of the controlling authority or caretaker of the watering place; and
- (b) the stock do not camp or rest in a way that will allow their faeces or urine to contaminate the water at the place; and
- (c) the carcasses of any of the stock that die within 2 kilometres of the place are buried or burnt.

(2) A person in charge of stock who, without reasonable excuse, fails to comply with subclause (1) is guilty of an offence.

Maximum penalty: 5 penalty units.

#### Person not to remain at stock watering place longer than necessary

123. (1) A person who, except with lawful authority, remains at a stock watering place longer than is necessary to obtain water from the place is guilty of an offence, unless the person is accompanied by stock travelling under the authority of a walking stock permit or a transported stock statement, or an order made or permit issued under the Stock Diseases Act 1923.

Maximum penalty: 5 penalty units.

(2) A person accompanied by any such stock who, except with the permission of the relevant controlling authority, remains at a stock watering place for longer than 24 hours is guilty of an offence.

Maximum penalty: 5 penalty units.

(3) In proceedings for an offence against subclause (2), it is a defence to prove that, at the relevant time, inclement weather made it dangerous or otherwise inappropriate to move the stock from the stock watering place.

#### Offence to obtain water from stock watering place when depth below specified level

124. (1) The controlling authority of a stock watering place may install a depth measuring gauge in a tank or dam located at the place.

(2) A controlling authority of a stock watering place that has installed such a depth measuring gauge must erect a sign at the place indicating that it is an offence:

- (a) for a person to take, or assist another person to take, water from the tank or dam; or
- (b) for a person who is in charge of stock to fail to take all reasonable steps to prevent the stock from drinking water,

when the water level is below a mark indicated by the gauge.

(3) If a depth measuring gauge is installed in a tank or dam located at a stock watering place, a person must not:

- (a) take, or assist another person to take, water from the tank or dam; or
- (b) being in charge of stock, fail to take all reasonable steps to prevent the stock from drinking water from the tank or dam,

when the water level is below a mark indicated by the gauge.

Maximum penalty: 10 penalty units.

## PART 7—NOXIOUS ANIMALS

### INTRODUCTORY NOTE

This Part supplements Part 9 of the Act, which prescribes the duties of occupiers of land with respect to the suppression of noxious animals and the functions of boards with respect to noxious animals and enables the Minister to give permission for the keeping of certain noxious animals, such as rabbits.

#### Definitions

125. In this Part:

“authorised officer” means:

- (a) an officer of the Department of Agriculture authorised by the Minister to exercise powers under this Part; or
- (b) an employee of a board who is authorised by the board to exercise those powers;

“public institution” means a public hospital, university or school, or any other kind of educational or medical institution.

### Methods for destroying noxious animals

126. (1) For the purposes of Part 9 of the Act, the following methods are prescribed methods for the suppression and destruction of noxious animals:

- (a) the application in accordance with the Pesticides Act 1978 of a pesticide registered under that Act, or the use of which is otherwise permitted or authorised by that Act, for the purpose of suppressing and destroying noxious animals of the species concerned;
- (b) fumigating;
- (c) digging in or out;
- (d) ploughing in or out;
- (e) use of explosives by the holder of a certificate of competency as a powderman under the Construction Safety Act 1912;
- (f) trapping;
- (g) \* \* \* \* \*
- (h) removing or destroying the habitats and refuges of noxious animals;
- (i) ripping;
- (j) shooting, including shooting from aircraft.

(2) In subclause (1) (a), the reference to application of a pesticide includes the application of a pesticide from an aircraft.

(3) The occupier of land on which the habitat or refuge of a noxious animal is located must remove or destroy the habitat or refuge if it is within 40 metres of a rabbit proof, dog proof or marsupial proof fence.

- (4) \* \* \* \* \*

### Charge for inspecting land subject to noxious animal suppression order

127. (1) For the purposes of section 127 (7) of the Act, the maximum amount of an inspection charge that may be required to be paid is an amount calculated at a rate of:

- (a) \$50 for each hour or part of an hour spent by a prescribed officer in carrying out the inspection and travelling to and from the land inspected; and
- (b) 20 cents for each kilometre or part of a kilometre involved in travelling to and from that land.

(2) For the purpose of calculating such an amount, the distance travelled by the prescribed officer to or from that land is taken to be the distance from or to the relevant board's principal place of administration, unless the officer's journey started or finished at a point closer to that land than that place, in which case the actual distance travelled by the officer is to be used for that purpose.

Note. Section 127 of the Act empowers a board to order the occupier or owner of land to suppress and destroy noxious animals on the land. Subsection (1) of the section defines a prescribed officer for the purposes of the section. Subsection (6) of the section enables a board to charge an inspection fee for the inspection of land to ascertain whether or not an order to suppress and destroy noxious animals on the land is being complied with and subsection (7) provides that the fee must not exceed the maximum amount prescribed by regulations under the Act.

### Noxious animals that can be kept with Minister's permission

128. (1) For the purposes of section 131 (1) of the Act, the following noxious animals are specified:

- (a) rabbits kept for research purposes;
- (b) rabbits kept for commercial meat or fur production;
- (c) rabbits kept for domestic purposes;
- (d) rabbits, wild dogs or feral pigs kept for public exhibition at a zoo, wildlife park or similar premises.

(2) Permission to keep rabbits must specify the number and breed of the rabbits permitted and the purpose for which the rabbits may be kept.

Notes. No permission is required to keep a single rabbit on premises referred to in clause 131. Section 131 of the Act empowers the Minister to permit the keeping of noxious animals.

### What fees are payable for permission to keep noxious animals

129. (1) Except as otherwise provided by this clause, for the purposes of section 131 (2) of the Act, the following fees are payable:

- (a) for permission to keep more than 1 but not more than 10 rabbits—\$50 per year or part of a year;
- (b) for permission to keep more than 10 but not more than 100 rabbits—\$200 per year or part of a year;

- (c) for permission to keep more than 100 rabbits—\$200 per year or part of a year for the first 100 rabbits and 50 cents per year or part of a year for every additional 100 rabbits or part of that number.

(2) The fee payable by a public institution for permission to keep 2 or more rabbits is \$20 per year or part of a year.

- (3) In this clause, "year" means a period of 12 months beginning on 1 October.

Applications for permission to keep noxious animals can be referred to boards

130. (1) The Minister may refer an application for permission to keep a noxious animal to the board for the district within which it is proposed to keep the animal.

(2) On receipt of an application referred under this clause, the board must, after considering the application, return it to the Minister within the period specified by the Minister, together with the board's recommendation on the application.

One rabbit can be kept per household

131. (1) For the purposes of section 131 (4A) of the Act, a rabbit may be kept at premises to which this clause applies subject to the following conditions:

- (a) the rabbit must be of a recognised domestic breed or hybrid of a domestic breed and in no circumstances is a wild type of rabbit, or hybrid of a wild type, to be kept at the premises;
- (b) the occupier of the premises must ensure that no other rabbit is kept at the premises;
- (c) the owner of the rabbit must ensure that the rabbit is kept in a rabbit-proof enclosure except when it is under the actual physical control of a resident of the premises;
- (d) the owner of the rabbit must ensure that it is not released, abandoned or left in any situation which would allow the rabbit to roam at large outside the premises;
- (e) the occupier of the premises must allow an authorised officer to inspect the rabbit and the premises at any reasonable time;
- (f) the rabbit must not be or have been vaccinated with fibroma vaccine.

(2) This clause applies to premises that comprise a detached house, a semi-detached house, a villa or a terraced house (such as a town-house), together with the curtilage (if any) of the house.

Note. Section 131 of the Act empowers the Minister to permit the keeping of noxious animals. Subsection (4A) of that section enables regulations under the Act to permit a person to keep a single noxious animal of a specified kind subject to conditions.

Conditions for keeping rabbits for research purposes

132. A person who is granted permission to keep rabbits for research purposes must ensure that the following conditions are complied with:

- (a) the rabbits are kept in rabbit-proof enclosures at the premises specified in the permission, unless the relevant board gives approval in writing for the rabbits to be kept elsewhere;
- (b) no rabbit is released, abandoned or left in a situation that would allow it to roam at large outside its enclosure;
- (c) except when the rabbits are dead, they are sold or otherwise disposed of only individually:
  - (i) to a person to whom clause 131 applies and who does not already keep a rabbit in accordance with that clause; or
  - (ii) to another person who is granted permission to keep rabbits under section 131 (1) of the Act;
- (d) authorised officers are allowed, at any reasonable time, to enter the premises where the rabbits are kept and to inspect the rabbits;
- (e) no fibroma vaccine is kept on or brought onto those premises;
- (f) no rabbit that has been vaccinated with fibroma vaccine is kept on or brought onto those premises;
- (g) the rabbits are not vaccinated, or have not been vaccinated, with fibroma vaccine.

Note. Section 131 of the Act empowers the Minister to permit the keeping of noxious animals.

This Part supplements Part 9A of the Act, which is designed to facilitate the control of animals or birds on designated public or private land if the animals or birds are having an adverse impact on agricultural enterprises or the local environment.

Maximum amount payable as inspection charges

133. For the purposes of section 138G (4) of the Act, the maximum amount for an inspection charge payable to a board is:

- (a) an amount equal to the current minimum general rate if such a rate is fixed by the board for its district under section 53 (3) of the Act; or
- (b) \$30 in any other case.

Notes. Section 138G of the Act empowers a prescribed officer of a board to enter controlled land to ascertain whether the provisions of Part 9A of the Act (which relate to the control of pest animals) or a relevant control order have been complied with. (Section 138D of the Act empowers the Minister to make control orders on the application of a board. Controlled land is land in respect of which a control order is in force.)

Section 53 of the Act enables a board to levy general and animal health rates on the occupier of rateable land.

Time for payment of inspection charges and expenses

134. For the purposes of section 138H (3) of the Act, the prescribed period is:

- (a) for payment of an inspection charge specified in a notice under section 138G (3)—30 days after the notice is served; and
- (b) for payment of a board's expenses in taking measures, or carrying out work, under section 138G (5)—30 days after the board takes the measures or carries out the work.

Notes. Section 138G of the Act empowers a prescribed officer of a board to enter land to which a control order applies. (Section 138D empowers the Minister to make control orders in respect of land.)

Section 138H of the Act enables a board to recover inspection charges from the occupier of the land concerned.

Interest rate applicable to overdue inspection charges and expenses

135. For the purposes of section 138H (3) of the Act, the prescribed rate is 2 per cent more than the overdraft index rate of the Commonwealth Bank as at 1 January in each year.

Note. Section 138H of the Act enables a board to recover inspection charges from the occupier of the land concerned.

## PART 9—CONTROL OF NOXIOUS INSECTS

### INTRODUCTORY NOTE

This Part supplements Part 10 of the Act, which prescribes the duties of occupiers of land and the functions of boards and the Minister with respect to the control of noxious insects, such as locusts.

Prescribed method for suppression and destruction of noxious insects

136. (1) For the purposes of Part 10 of the Act, the prescribed method for the suppression and destruction of noxious insects is the application in accordance with the Pesticides Act 1978 of a pesticide registered under that Act, or a pesticide the use of which is otherwise permitted or authorised by that Act.

- (2) Such a pesticide must be applied to, or be used on, noxious insects:
  - (a) after the insects have hatched out from their eggs; and
  - (b) while the insects are concentrated in bands; and
  - (c) before the insects have become fully winged.

Note. Part 10 of the Act provides for the control of noxious insects. ("Noxious insect" is defined in section 3 (1) of the Act.)

Information about noxious insects to be supplied by occupier of land

137. For the purposes of section 139 of the Act, the specified particulars which an occupier of land must state in a notice to a board in respect of noxious insects are as follows:

- (a) whether or not the insects, or any of them, are hatching out on the land;
- (b) the approximate size of the insects;

- (c) whether or not any of the insects are winged adults;
- (d) whether or not any of the insects are laying eggs on the land.

Note. Section 139 of the Act requires an occupier of land to give notice to the appropriate board if noxious insects are present on land.

## PART 10—RABBIT, DOG AND MARSUPIAL PROOF FENCES

### INTRODUCTORY NOTE

This Part supplements Part 11 of the Act, which prescribes functions of the Minister and boards with respect to the erection, maintenance and repair of rabbit proof, dog proof and marsupial proof fences in board districts, obliges certain land owners to contribute towards the costs involved in erecting, maintaining and repairing such fences, confers jurisdiction and functions on local land boards with respect to such fences, confers rights of appeal to the Land and Environment Court against decisions of local land boards in exercising that jurisdiction and deals generally with the erection, maintenance and repair of such fences.

#### Application to local land board for decision or determination

138. (1) An application to the relevant local land board to decide or determine a matter that it can decide or determine under Part 11 of the Act must be in accordance with a form approved by the Minister. Such an application must be lodged with the registrar of that local land board.

(2) An application that is for permission to erect a rabbit proof, dog proof or marsupial proof fence across a public road, travelling stock reserve, or public lands must be accompanied:

- (a) by a fee of \$50 to cover the cost of processing it; and
- (b) by a plan or sketch showing the position of the proposed fence and any gates that are to form part of the fence.

(3) If an applicant is seeking permission for the fence:

- (a) to cross more than one public road, travelling stock reserve or tract of public land; or
- (b) to cross the same road, travelling stock reserve or tract of public land at a different place, or at different places, within or outside a holding,

a further fee of \$50 is payable for each separate crossing more than 4.

(4) Before considering an application that relates to land, or to a public road or travelling stock reserve, the relevant local land board must be satisfied that:

- (a) particulars of the application; and
- (b) a copy of the relevant plan or sketch; and
- (c) a notice specifying a period within which objections in writing by persons interested may be lodged with that registrar,

have been publicly exhibited for at least 1 month at the principal place of administration of the rural lands protection board within whose district the land, road or reserve is located or is mainly located. The period specified in the notice must be at least 1 month from the date on which the notice was publicly exhibited.

(5) As soon as practicable after the documents referred to in subclause (4) have been publicly exhibited, the secretary of the rural lands protection board concerned must certify in writing the period during which the documents were publicly exhibited and lodge the documents and the certificate with the registrar of the relevant local land board.

(6) In this clause, "relevant local land board" means:

- (a) in the case of land within the Eastern and Central Division—the local land board for the land district where the relevant land is located; and
- (b) in the case of land within the Western Division—the local land board for the administrative district where the relevant land is located.

#### Reference of proceedings directly to local land board if Minister is moving party

139. If the Minister is the moving party in proceedings referred to in clause 138, the Minister may initiate the proceedings by referring them directly to the appropriate local land board.

#### Assessment of claim for contribution towards cost of fencing

140. (1) For the purposes of section 158 (a) of the Act, the prescribed manner for giving a notice of claim for a contribution under section 155 of the Act is by serving the notice in one of the ways specified in section 215 of the Act.

(2) For the purposes of section 158 (c) of the Act:

- (a) the prescribed manner for making an application to a local land board to assess the amount of the contribution payable under section 155 of the Act is by lodging the application with the local land board in writing either in person or by post; and
- (b) the prescribed fee is \$50.

Notes. Section 155 of the Act makes the owner of land that is part of a holding whose boundary is fenced with a rabbit proof, dog proof or marsupial proof fence liable to pay part of the cost of the fence if the fence was constructed at the expense of an adjoining owner.

Section 158 of the Act sets out the criteria for determining contributions payable under section 155. Section 215 of the Act specifies the ways in which notices under the Act can be served.

#### Contribution of Crown towards cost of fencing

141. (1) An application to the Minister for the consent referred to in section 160 (1) (d) of the Act to the erection of a rabbit proof, dog proof or marsupial proof fence, or to the making of any fence rabbit proof, dog proof or marsupial proof, in respect of which the Crown could become liable as a contributor must be:

- (a) in accordance with a form provided or approved by the Minister; and
- (b) be accompanied by a plan or sketch showing the position of the proposed fence.

(2) If the public land to which the application relates is not the responsibility of the Minister responsible for administering the Act, that Minister must consult the Minister who, or the authority which, is responsible for administering that land before giving the consent referred to in section 160 (1) (d) of the Act.

Note. Section 160 of the Act makes the Crown liable to contribute to the cost of certain rabbit proof, dog proof or marsupial proof fences.

#### Assessment of claim for contribution towards cost of maintaining or repairing certain fences

142. An application to a local land board to hear and determine an application under section 164 (2) of the Act must be accompanied by a fee of \$50.

Note. Section 164 of the Act enables an owner of a holding to recover a contribution towards the cost of maintaining or repairing a rabbit proof, dog proof or marsupial proof fence that serves as a boundary between that and another holding.

## PART 11—IDENTIFICATION OF STOCK INTRODUCTORY NOTE

This Part supplements Part 12 of the Act, which deals with the branding, earmarking and tattooing of stock animals for identification purposes.

### Division 1—Large stock

#### Application for registration of board brand design for large stock

143. For the purposes of section 181 (2) of the Act:

- (a) the specified particulars are as set out in Part 1 of Schedule 5; and
- (b) the specified fee is \$25 or such smaller amount as determined by the relevant board.

Note. Section 181 of the Act provides for the registration of brand designs for application to large stock.

#### Allocation of board brand designs

144. (1) For the purposes of section 181 (3) (a) of the Act, a district registrar must allocate a design that depicts:

- (a) the character specified in Schedule 6 that identifies the district concerned; and
- (b) 2 other characters selected from one of the series set out in Schedule 7 that identify the registered proprietor of the design.

(2) The 2 characters referred to in subclause (1) (b) must be placed in a horizontal plane immediately after the character that identifies the relevant district. Those characters are for the purpose of identifying the registered proprietor of the design.

(3) A district registrar must ensure that no combination of characters that includes the character identifying the district is allocated more than once.

Note. Section 181 of the Act provides for the registration of brand designs for application to large stock.

#### Application for registration of symbol brand design for large stock

145. For the purposes of section 182 (3) of the Act:

- (a) the specified particulars are as set out in Part 1 of Schedule 5; and
- (b) the specified fee is \$25 or such smaller amount as may be determined by the relevant board.

Note. Section 182 of the Act provides for the registration of symbol brand designs under certain conditions.

#### Application for registration of earmark design for cattle or deer

146. For the purposes of section 183 (2) of the Act:

- (a) the specified particulars are as set out in Part 1 of Schedule 5; and
- (b) the specified fee is \$25 or such smaller amount as may be determined by the relevant board.

Note. Section 183 of the Act provides for the registration of earmark designs for application to cattle or deer.

#### Application for registration of transfer of brand or earmark design for large stock

147. For the purposes of section 185 (5) of the Act:

- (a) the specified particulars are as set out in Part 2 of Schedule 5; and
- (b) the specified transfer fee is \$25 or such smaller amount as may be determined by the relevant board.

Note. Section 185 of the Act enables the proprietor of a brand or earmark design to transfer the ownership of the design to someone else.

#### Construction requirements for branding instruments for use on large stock

148. (1) A branding instrument depicting a registered board brand design must, if it is to be used to apply firebrands or freeze brands to large stock animals, be constructed in accordance with the following specifications:

- (a) the characters of the brand must be arranged in a horizontal plane so that the first character identifies the relevant district and the second and third characters identify the registered proprietor of the design;
- (b) if the instrument is to be used on horses—each of the characters included in the brand must be not less than 25 millimetres and not more than 75 millimetres in height when the instrument is placed in a horizontal plane;
- (c) if the instrument is to be used on large stock other than horses—each of the characters included in the brand must be not less than 35 millimetres and not more than 75 millimetres in height when the instrument is placed in a horizontal plane;
- (d) adjacent characters must be not less than 10 millimetres apart;
- (e) if the character that identifies the relevant district has a bar line above or below the character—that line must be not less than 25 millimetres and not more than 50 millimetres in height and must be appropriately located above or below, but not less than 10 millimetres from, the character.

(2) A branding instrument depicting a symbol brand design must, if it is to be used to apply firebrands or freeze brands to large stock animals, comply with the following specifications:

- (a) the character or each of the characters comprising or included in the design depicted on the instrument must be not less than 35 millimetres and not more than 75 millimetres in height, measured in its normal position;
- (b) if the design includes 2 or more characters, adjacent characters must be not less than 10 millimetres apart.

(3) A branding instrument depicting a distinctive brand design must, if it is to be used to apply firebrands or freeze brands to large stock animals, be constructed in accordance with the following specifications:

- (a) the character or each of the characters comprising or included in the design must be not less than 25 millimetres in length;
- (b) if the design includes 2 or more characters, adjacent characters must be not less than 10 millimetres apart.

(4) A branding instrument depicting a registered board brand design must not be constructed in more than 2 pieces.

(5) If a branding instrument depicting a registered board brand design is constructed in 2 pieces:

- (a) one of the pieces must depict 2 characters one of which identifies the relevant district and the other of which is the first of the characters that identifies the proprietor of the brand; and

(b) the other piece must depict the second of the characters that identifies that proprietor.

(6) A branding instrument depicting a registered board brand design or a registered symbol brand design must, if it is to be used to apply an ear tattoo to large stock animals, be constructed so that the height of the character or each of the characters is not less than 15 millimetres.

(7) A person who constructs a branding instrument that does not comply with the specifications prescribed by this clause, knowing that the instrument is for use on large stock, is guilty of an offence.

Maximum penalty: 5 penalty units.

Note. Section 186 of the Act prohibits a person from applying to large stock a firebrand, freeze brand or ear tattoo that is not in accordance with the dimensions specified in regulations under the Act. This clause specifies those dimensions.

Parts of large stock animal to which registered brand or earmark can be applied

149. (1) For the purposes of section 186 (1) (b) of the Act, the parts of a large stock animal to which a brand of a registered design may be applied are those specified in Schedule 8.

(2) A person must not apply a brand of a registered design to a part of a large stock animal specified in Schedule 8 if the application of the brand to that part would be inconsistent with the order prescribed by clause 1 (2) or 2 (2) of that Schedule.

Maximum penalty: 5 penalty units.

(3) For the purposes of section 186 (2) (b) of the Act, the specified ear of cattle or deer to which an earmark of a registered design may be applied is the left ear for both males and females.

Note. Section 186 of the Act prohibits a person from applying a firebrand, freeze brand or earmark to a part of a large stock animal other than a part specified in regulations under the Act. This clause specifies the permitted parts.

Dimensions for earmarks to be applied to cattle or deer: construction requirements for ear pliers

150. An earmark of a registered design that is to be used in connection with cattle or deer must be of the dimensions and one or more of the shapes depicted in Schedule 9. The ear pliers used to make the earmark must have cutters of the same dimensions and shape.

Use of distinctive brands and earmarks on large stock animals

151. (1) A person may apply a distinctive brand to a large stock animal only if the person:

- (a) is the owner of the animal or is acting with the owner's authority; and
- (b) is a proprietor of a registered brand design for use in connection with large stock or is acting with the authority of such a proprietor.

(2) A person must not apply to a large stock animal a branding instrument depicting a distinctive brand design unless the instrument is constructed in accordance with clause 148 (3).

Maximum penalty: 5 penalty units.

(3) A person must not apply a distinctive brand to a part of a horse or to a part of cattle that is a part specified in Schedule 8 as a part on which a brand of a registered design may be placed.

Maximum penalty: 5 penalty units.

(4) However:

- (a) a horse registered in the Australian Stud Book may be branded on the right shoulder or right thigh with a brand depicting a distinctive brand design if either of those positions does not already bear a brand depicting a registered design; and
- (b) a horse registered in the Australian Trotting Stud Book may be branded on the right shoulder with a brand depicting a distinctive brand design if that position does not already bear a brand depicting a registered design.

(5) For the purposes of section 187 (3) of the Act, the specified ear for the application of a distinctive earmark to cattle or deer is the right ear for both males and females.

Note. Section 187 of the Act regulates the application of distinctive brands and earmarks to large stock.

Issue of certificates of particulars of large stock brand designs

152. (1) Any person who requires specified information about a registered board brand design or a registered symbol brand design may apply to the appropriate district registrar to carry out a search for that information in the register kept by that registrar.



(2) An application under this clause must be accompanied by a fee of \$25 or such smaller amount as may be determined by the relevant board.

(3) On receiving an application under this clause, together with the requisite fee, a district registrar is required:

- (a) to carry out a search as requested in the application; and
- (b) when the search is finished, to provide the applicant with a certificate setting out the result of the search, including, if available, the information required by the applicant.

#### Directory of symbol brand particulars

153. (1) For the purposes of section 184 of the Act, the following particulars are specified:

- (a) the number of each registered symbol brand;
- (b) the name of the relevant board.

(2) For the purposes of section 184 of the Act, the prescribed period is the period of 5 years commencing on 1 July 1990 and each subsequent period of 5 years commencing on 1 July.

Note. Section 184 of the Act requires the Minister or, if directed by the Minister to do so, the Council of Advice to publish periodically a directory of symbol brand particulars.

### Division 2—Small stock

#### Application for registration of brand or earmark designs for small stock

154. For the purposes of section 190 (2) of the Act:

- (a) the specified particulars are as set out in Part 1 of Schedule 5; and
- (b) the specified fee is \$25 or such smaller amount as may be determined by the relevant board.

Note. Section 190 of the Act provides for the registration of brand and earmark designs for application to small stock.

#### Application for registration of transfer of brand or earmark design for small stock

155. For the purposes of section 191 (4) of the Act:

- (a) the specified particulars are as set out in Part 2 of Schedule 5; and
- (b) the specified fee is \$25 or such smaller amount as may be determined by the relevant board.

Note. Section 191 of the Act enables the proprietor of a brand or earmark designs for application to small stock to transfer the design to someone else.

#### Construction requirements for branding instruments for use on small stock

156. (1) A branding instrument depicting a registered brand design must, if it is to be applied to small stock animals, be constructed so that the character or each of the characters comprising or included in the design is:

- (a) if the instrument is to be used to apply firebrands—not less than 25 millimetres in height; and
- (b) if the instrument is to be used to apply colour brands—not less than 75 millimetres in height, when the design is placed in a horizontal plane.

(2) A person who constructs a branding instrument that does not comply with the specifications prescribed by this clause, knowing that the instrument is for use on small stock, is guilty of an offence.

Maximum penalty: 5 penalty units.

Note. Section 192 (1) of the Act prohibits a person from applying to small stock a brand or earmark that is not in accordance with the dimensions specified in regulations under the Act. This clause specifies those dimensions.

#### Parts of small stock animal to which registered brand can be applied

157. For the purposes of section 192 (1) (b) of the Act, the specified parts of a small stock animal to which a brand of a registered design may be applied are:

- (a) if a firebrand is to be applied—either horn; or
- (b) if a colour brand is to be applied—the rump, the back, the near shoulder, the near ribs, the off shoulder or the off ribs.

Note. Section 192 (1) of the Act prohibits a person from applying a brand to a part of a small stock animal other than a part specified in regulations under the Act. The clause specifies the permitted parts.

#### Construction requirements for ear pliers for use on small stock animals

158. For the purposes of section 192 (3) (a) of the Act, an earmark of a registered design that is to be applied to a small stock animal must be of the dimensions specified, and one or more of the shapes depicted, in Schedule 9. The ear pliers used to make any such earmark must have cutters of the same dimensions and shape.

Note. Section 192 (3) of the Act prohibits a person from applying to small stock an earmark that is not in accordance with the dimensions and of a shape specified in regulations under the Act. Schedule 9 to this Regulation specifies the dimensions and shapes.

#### To which ear of small stock animal can registered earmark be applied?

159. For the purposes of section 192 (3) (b) of the Act, the specified ear of a small stock animal to which an earmark of a registered design may be applied is the left ear for a male and the right ear for a female.

Note. Section 192 (3) of the Act prohibits a person from applying an earmark except to an ear specified in regulations under the Act. The clause specifies the permitted ear.

#### To which ear of small stock animal can distinctive earmark be applied?

160. For the purposes of section 193 (2) of the Act, the specified ear of a small stock animal to which a distinctive earmark may be applied is the right ear for a male and the left ear for a female.

Note. Section 193 (2) of the Act prohibits a person from applying a distinctive earmark except to an ear specified in regulations under the Act. The clause specifies the permitted ear.

Certain sheep and goats to be exempt from requirements of section 188 of the Act

161. For the purposes of section 188 (2) of the Act, stud sheep and stud goats are exempt from the requirements of section 188 (1) of the Act but only if they are registered with a recognised sheep or goat society and are readily identifiable by some other means.

Note. Section 188 of the Act requires an owner of small stock that are more than 6 months old to ensure that the stock are earmarked.

#### Notice concerning possession of unlawfully branded or earmarked stock

162. The notice to be given under section 199 (3) of the Act must be in writing.

Note. Section 199 of the Act specifies offences relating to the use of brands and earmarks.

#### Colour brands for use on small stock

163. For the purposes of the definition of "colour brand" in section 3 (1) of the Act:

- (a) a prescribed substance with which colour brands may be made is:
  - (i) "Si-Ro-Mark" branding fluid, which is a substance registered under Registration Number 121839 with the Commonwealth Patents Trade Marks Design and Copyrights Office; or
  - (ii) any scourable product that complies with Australian Standard No. AS 4052-1992 entitled "Scourable Branding Substances for Greasy Wool"; and
- (b) the prescribed colour for the substance is any colour except yellow or any shade of yellow.

### Division 3—Provisions applicable to both large and small stock

#### Maximum fee payable when application deals with 2 or more designs

164. (1) If:

- (a) a person wishes to have registered 2 or more of designs of the kinds specified in subclause (2); and
- (b) the designs are dealt with in the same application or in separate applications that are lodged at the same time,

then, despite any other provision of this Regulation to the contrary, the fee payable for registration of those designs is \$50, or such smaller amount as may be determined by the relevant board.

(2) For the purposes of subclause (1), the following designs are specified:

- (a) a board brand design for use on large stock animals;
- (b) a symbol brand design for use on large stock animals;
- (c) an earmark design for use on large stock animals;
- (d) a brand design for use on small stock animals;
- (e) an earmark design for use on small stock animals;

- (f) a tag or other means used to identify animals under the Stock Diseases Act 1923.

#### Register of brand and earmark designs

165. The register of brand and earmark designs referred to in section 194 of the Act must contain the following particulars:

- (a) an illustration and other particulars sufficient to identify each brand design and each earmark design recorded in the register;
- (b) the full name and residential address of the proprietor of the design;
- (c) particulars of registration of any transfer of the design, including particulars of the name and residential address of the person to whom property in the design is transferred;
- (d) particulars of the registration of any person as the proprietor of the design in consequence of an application made under section 195 (2) of the Act, including particulars of the person's name and residential address.

Notes. Section 194 of the Act requires district registrars to keep a register of brand earmark designs. Section 195 of the Act entitles the executor or administrator of a deceased registered proprietor of a brand or earmark design to use the design for up to 12 months after the proprietor's death. The section also enables that executor or administrator or any person beneficially entitled to the design to be registered as proprietor of the design.

#### Registration of brand or earmark design belonging to deceased proprietor

166. (1) For the purposes of section 195 (3) of the Act:

- (a) the specified particulars are as set out in Part 3 of Schedule 5; and
- (b) the specified fee is \$25.

(2) Whenever an application is made in accordance with section 195 of the Act, the appropriate district registrar must, if satisfied that the applicant or the persons on whose behalf the application is made is or are entitled to be registered as the proprietor of the registered brand design or registered earmark design concerned:

- (a) register the applicant or that person as the proprietor of the design; and
- (b) issue to the applicant or that person a certificate of registration certifying the applicant or that person as the registered proprietor of that design; and
- (c) if the application relates to a symbol brand design—notify the Council of Advice of the registration of the applicant or that person as registered proprietor of the design.

Note. Section 195 of the Act entitles the executor or administrator of a deceased registered proprietor of a brand or earmark design to use the design for up to 12 months after the proprietor's death. The section also enables that executor or administrator or any person beneficially entitled to the design to be registered as proprietor of the design.

#### Annual fee to be paid by proprietor of registered design who is not local ratepayer

167. (1) For the purposes of section 196 (1) of the Act, the prescribed date is the date that is 1 month from and including the date on which the relevant board sends by post an account for the annual fee.

(2) For the purposes of section 196 (2) of the Act, the annual fee is an amount determined by the relevant board, but it must not be more than the minimum general rate currently fixed by that board.

Note. Section 196 of the Act requires an annual fee to be paid by a registered proprietor of a brand or earmark design who is not a ratepayer for the district for which the design is registered.

#### Notice of intention to cancel registration of brand or earmark design

168. A district registrar must not cancel the registration of a brand or earmark design in accordance with section 197 of the Act, unless the district registrar has given the registered proprietor of the design at least 14 days' notice in writing of the registrar's intention to cancel that registration.

Note. Section 197 of the Act provides for the cancellation of registration of a brand or earmark design in specified circumstances.

## PART 12—MISCELLANEOUS INTRODUCTORY NOTE

This Part contains miscellaneous provisions dealing with the qualifications of district veterinarians, information to be included in the annual report of the Council of Advice, the issue of penalty notices for

prescribed offences alleged to have been committed against the Act or this Regulation and the repeal of the Rural Lands Protection Regulation 1990.

What qualifications district veterinarians must have

169. For the purposes of section 22 (1) of the Act, the prescribed qualification to be held by a district veterinarian is registration as a veterinary surgeon.

Note. Section 22 of the Act provides for the appointment of district veterinarians. The Veterinary Surgeons Act 1986 provides for the registration of persons as veterinary surgeons.

Information to be included in annual report prepared by Council of Advice

170. For the purposes of section 52 (4) of the Act, the report of boards' activities to be prepared by the Council of Advice in accordance with section 52 (1) of the Act must include the following information:

- (a) a statement of the purposes for which the boards were established;
- (b) information as to the aims and objectives of the boards, the range of services provided by the boards and the section of the community served by the boards;
- (c) the addresses and telephone numbers of the principal places of administration of the boards and the hours during which they are open for business;
- (d) information concerning the management and structure of the boards, including:
  - (i) the names of the boards' directors, the terms of office of those directors, the frequency of board meetings, details of attendances at those meetings, the names of the principal office holders employed by the boards and any appropriate qualifications of those office holders; and
  - (ii) organisational charts showing functional responsibilities within the boards;
- (e) a summary review of the operations of the boards, including:
  - (i) a narrative summary of the significant operations of the boards during the relevant financial year; and
  - (ii) selected financial and other quantitative information associated with the administration of programs or operations of the boards;
- (f) information relating to economic or other factors affecting the operations of boards and the extent to which those factors have affected the achievement of the operational objectives of the boards during the relevant financial year;
- (g) details of the management and activities of the boards, including:
  - (i) a description of the nature and range of activities that boards have undertaken during the financial year concerned; and
  - (ii) where practicable—qualitative and quantitative measures and indicators of performance showing the level of efficiency and effectiveness of the boards during that year; and
  - (iii) the nature and extent of performance review practices as applied to the boards and of improvements in the boards' achievements as assessed by both internal and external performance reviews; and
  - (iv) benefits achieved by the boards as a result of management and strategy reviews; and
  - (v) a description of management improvement plans adopted by the boards and the achievements (if any) of the boards in attaining previous objectives; and
  - (vi) a description of the main problems and issues that have arisen in relation to the boards and the extent (if any) to which those problems and issues have been resolved; and
  - (vii) details, lists or tables of material works being currently undertaken by the boards, the cost of those works to date and the estimated dates of completion, together with particulars of significant cost overruns in major works or programs; and
  - (viii) the reasons for any significant delays to, or amendment, deferment or cancellation of, major works or programs undertaken by the boards;
- (h) information relating to the boards' human resources, including:
  - (i) the number of employees of the boards, by category, with comparison to previous financial years; and
  - (ii) any exceptional movement in wages, salaries or allowances of the boards' employees; and
  - (iii) personnel policies and practices of the boards; and
  - (iv) industrial relations policies and practices of the boards; and

- (v) details of the use of external consultants by the boards, including, where practicable, the names of the consultants and the projects or programs involved;
- (i) information relating to promotional activities undertaken by the boards, including:
  - (i) a statement setting out the types of publications and other information available to the public dealing with the functions and activities of the boards and indicating those which have been published by the boards during the relevant financial year; and
  - (ii) overseas visits undertaken by directors and employees of the boards, with the main purposes highlighted;
- (j) general information concerning complaints by members of the public, indicating any services provided by the boards that have been improved or changed as a result of complaints or suggestions made by members of the public;
- (k) the standard times for providing specified services by the boards, together with comment on any variance or changes made to the standard;
- (l) a summary of the financial positions of the boards.

Note. Section 52 of the Act requires the Council of Advice to prepare an annual report relating to the activities of rural lands protection boards. The Council of Advice is elected by the conference of the Rural Lands Protection Boards' Association of New South Wales in accordance with the constitution of that organisation.

#### Persons and offences prescribed for purposes of the Act

171. For the purposes of section 205 of the Act:

- (a) offences against the provisions specified in Column 1 of Schedule 10 are prescribed offences that may be dealt with under that section but only if a penalty is specified in Column 3 of that Schedule in relation to the offence; and
- (b) the amount specified in Column 3 of that Schedule opposite a provision specified in Column 1 of that Schedule is the prescribed amount of penalty payable for the offence if dealt with under that section.

Note. Section 205 of the Act enables an authorised officer to serve a penalty notice on a person suspected of having committed a prescribed offence against the Act or this Regulation. A penalty notice allows the person to settle the matter by paying the prescribed amount specified in the notice instead of having the alleged offence dealt with by a court. This clause prescribes the offences against the Act and this Regulation to which the section applies and also the amounts payable for those offences if dealt with under the section. (Section 205 of the Act also applies to offences against this Regulation: see the definition of "this Act" in section 3 (1) of the Act.)

#### Short descriptions of offences

172. (1) For the purposes of section 145B (2) of the Justices Act 1902, the prescribed expression in relation to a summary offence specified in Column 1 of Schedule 10 is the expression set out in Column 2 of that Schedule opposite that offence.

(2) If a choice of words is indicated in Column 2 of Schedule 10, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(3) In this Regulation, a reference to a provision in Schedule 10 in relation to an offence is a reference to that provision as in force when the offence is alleged to have been committed.

(4) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

(5) Subclause (4) applies to an information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

Note. Section 145B of the Justices Act 1902 enables an offence to be stated or described in an information, complaint or other document by using an expression prescribed in relation to the offence by a regulation, or by an expression that is substantially the same as that expression.

#### Notes in text

173. Notes in the text of this Regulation are explanatory notes only and do not form part of this Regulation.

# Repeal of Rural Lands Protection Regulation 1990

174. The Rural Lands Protection Regulation 1990 is repealed.

## Savings provision

175. (1) Any act, matter or thing that, immediately before the repeal of the Rural Lands Protection Regulation 1990, had effect under a provision of that Regulation continues to have effect under the corresponding provision (if any) of this Regulation.

(2) Despite anything to the contrary in this Regulation, a form set out in Schedule 1 to the Rural Lands Protection Regulation 1990 can be used instead of the corresponding form in Schedule 1 to this Regulation.

## SCHEDULE 1—FORMS

(Cl. 3 (2), 175 (2))

### Form 1

(Cl. 13 (3) (a))

## Rural Lands Protection Act 1989

### BALLOT PAPER FOR RURAL LANDS PROTECTION BOARD ELECTIONS

1. When you have filled out this ballot paper, place it in an envelope endorsed with the words "Rural Lands Protection Board Ballot Paper—Division [name of Division of District to be inserted here]".
2. Then enclose it in another envelope on which you have printed your name and written your signature.
3. Address this other envelope to me at the address shown below.
4. Post or deliver this other envelope to me but make sure that it will be received in my office not later than the polling day, which is [the date of the polling day to be specified here].

.....  
(Signature or initials of the  
Returning Officer)

[Name and address of the returning officer to be inserted here]

### CANDIDATE(S)

Insert a tick after the name(s) of the candidate(s) for whom you wish to vote. You may vote for fewer, but no more than [number of members of the board to be elected to be inserted here] candidates.

| Candidate's name | Candidate's address | Insert ticks for the candidates you want to vote for. (Do not insert more ticks than the number of directors to be elected.) |
|------------------|---------------------|--|
| 1.               |                     |  |
| 2.               |                     |  |
| 3.               |                     |  |
| 4.               |                     |  |
| 5.               |                     |  |
| 6.               |                     |  |
| 7.               |                     |  |
| 8.               |                     |  |
| 9.               |                     |  |
| 10.              |                     |  |

|     |  |  |
|-----|--|--|
| 11. |  |  |
| 12. |  |  |
| 13. |  |  |
| 14. |  |  |
| 15. |  |  |
| 16. |  |  |

Note: You are liable to a penalty of up to 10 penalty units (\$1,000) if you make use of a ballot paper delivered or posted to another person or allow another person to use this ballot paper.

FOR FORMS 2–4 SEE GAZETTE NO. 105 OF 1.9.1995, pp. 5883–5886

## SCHEDULE 2—MINIMUM AREA OF RATABLE LAND

(Cl. 45)

| District           | Area in<br>hectares |
|--------------------|---------------------|
| Armidale           | 10                  |
| Balranald          | 20                  |
| Bombala            | 20                  |
| Bourke             | 25                  |
| Braidwood          | 10                  |
| Brewarrina         | 50                  |
| Broken Hill        | 400                 |
| Casino             | 10                  |
| Central Tablelands | 10                  |
| Cobar              | 400                 |
| Condobolin         | 10                  |
| Cooma              | 10                  |
| Coonabarabran      | 10                  |

|                            |        |
|----------------------------|--------|
| Coonamble .....            | 10...  |
| Dubbo .....                | 10...  |
| Forbes .....               | 10...  |
| Gloucester .....           | 10...  |
| Goulburn .....             | 20...  |
| Grafton .....              | 10...  |
| Gundagai .....             | 10...  |
| Hay .....                  | 40     |
| Hillston .....             | 40...  |
| Hume .....                 | 10     |
| Hunter .....               | 10...  |
| Kempsey .....              | 10...  |
| Maitland .....             | 10...  |
| Milparinka .....           | 400... |
| Molong .....               | 10...  |
| Moree .....                | 10...  |
| Moss Vale .....            | 10...  |
| Mudgee-Merriwa .....       | 10...  |
| Murray .....               | 20...  |
| Narrabri .....             | 10...  |
| Narrandera .....           | 50...  |
| Northern New England ..... | 10...  |
| Northern Slopes .....      | 10...  |
| Nyngan .....               | 10...  |
| Riverina.....              | 10...  |
| South Coast.....           | 10...  |
| Tamworth .....             | 20...  |



|                     |        |
|---------------------|--------|
| Tweed-Lismore ..... | 10...  |
| Wagga Wagga .....   | 10...  |
| Walgett .....       | 40...  |
| Wanaaring .....     | 400... |
| Wentworth .....     | 20...  |
| Wilcannia .....     | 200... |
| Yass .....          | 10     |
| Young .....         | 10...  |

### SCHEDULE 3—SIGNS

#### PART 1—SIGNS FOR CLOSURE OF RESERVES TO CERTAIN USES

(Cl. 53 (2) (b))

|   |
|---|
| <p><b>TRAVELLING STOCK RESERVE</b></p> <p><b>CLOSED</b></p> <p>This reserve is closed under section 87 of the Rural Lands Protection Act 1989 for use in respect of the following activities:</p> <p>[Here specify the activities concerned]</p> <p style="text-align: center;">[OR]</p> <p>The following specified part of this reserve is closed under section 87 of the Rural Lands Protection Act 1989 for use in respect of the following activities.</p> <p style="text-align: center;">[Here specify the activities concerned]</p> <p style="text-align: center;">[Here specify the part of the reserve that is closed]</p> <p style="text-align: right;">By order</p> <p style="text-align: center;">..... Rural Lands Protection</p> <p>(Name of Board)                      Board</p> |
|---|

#### PART 2—DISPLAY OF STOCK WARNING SIGNS—GENERAL

(Cl. 82 (3) (b))

FOR DIAGRAMS A, B AND C, SEE GAZETTE NO. 105 OF 1.9.1995, p. 5889

#### PART 3—DISPLAY OF STOCK WARNING SIGNS—GENERAL

(Cl. 83 (3) (b), 84 (3) (a), 85 (2), 96 (2) (b))

FOR DIAGRAMS A, B AND C, SEE GAZETTE NO. 105 OF 1.9.1995, p. 5890

### SCHEDULE 4—FEES AND CHARGES RELATING TO IMPOUNDING OF STOCK

#### PART 1—FEES FOR DRIVING STOCK OR PIGS TO A POUND

(Cl. 110 (2) (a))

| Column 1                              | Column 2      |
|---------------------------------------|---------------|
| Description of animals<br>trespassing | Per kilometre |

|   |  |
|---|--|
| Horses, cattle  | (a) for the first animal—75 cents;<br>(b) for the second animal owned by the same person and impounded at the same time—50 cents;<br>(c) for each such additional animal—25 cents. |
| Every 100 sheep, or any part of that number, owned by the same person and impounded at the one time | (a) for the first 100 sheep (or for any number less than 100)—\$1.50;<br><br>(b) for every 100 sheep or part of that number if the total number impounded exceeds 100—75 cents.    |
| Every goat or pig   | 75 cents.  |

## PART 2—POUND FEES

(Cl. 110 (2) (b) (i))

- (a) for recording the impounding of an animal—\$3;
- (b) for recording the release of an animal—\$3;
- (c) for each advertisement which the poundkeeper is required by the Act to publish—the actual cost of advertising and a fee of \$2;
- (d) for each notice served by post—\$2;
- (e) for each notice taken or sent by messenger—50 cents for each kilometre travelled to and from the destination;
- (f) for a sale of animals that are the property of one owner, or if sold in separate lots, for each lot sold—\$15;
- (g) for the recording of a sale—\$3.

## PART 3—DETERRENT FEES

(Cl. 110 (2) (b) (ii))

| Column 1<br>Description of animals<br>impounded                              | Column 2<br>For animals impounded on<br>a single occasion   |
|--|---|
| Horses, cattle   | (a) for the first animal—\$15;<br>(b) for the second and each additional animal owned by the same person and impounded on the same occasion—\$10.   |
| Sheep, goats or pigs owned by the same person impounded on the same occasion | (a) if the number of animals impounded is not more than 20—\$5;<br><br>(b) if the number of animals impounded is more than 20 but not more than 50—\$10;<br>(c) if the number of animals impounded is more than 50 but not more than 100—\$20;<br>(d) if the number of animals impounded is more than 100—\$10 for each 100 animals or part of that number. |

## PART 1—APPLICATION FOR REGISTRATION

(Cil. 143, 145, 146, 154)

1. The full name and residential address of the applicant.
2. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the applicant keeps stock.
3. A statement as to whether the applicant is applying to be registered as the proprietor of:
  - (a) a board brand design for use on large stock; or
  - (b) a symbol brand design for use on large stock; or
  - (c) an earmark design for use on cattle or deer; or
  - (d) a brand design for use on small stock; or
  - (e) an earmark design for use on small stock.
4. If the applicant is applying to be registered as the proprietor of a symbol brand design, a diagram of the design.

## PART 2—TRANSFER OF BRAND AND EARMARK DESIGNS

(Cil. 147, 155)

1. The full name and residential address of the registered proprietor who is proposing to transfer the brand or earmark design concerned.
2. Particulars of the brand or earmark design to be transferred sufficient to identify the design.
3. The full name and residential address of the person to whom the brand or earmark design is to be transferred.
4. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the transferee keeps stock.

## PART 3—APPLICATIONS FOR REGISTRATION OF DESIGN BELONGING TO DECEASED PROPRIETOR

(Cl. 166)

1. The full name of the executor or administrator who is making the application and the applicant's residential address.
2. A statement as to whether the applicant is the executor or administrator of the deceased's estate and whether the applicant is applying to be personally registered as the proprietor of the brand or earmark design or applying for the person beneficially entitled to the design to be registered as the proprietor of the design.
3. The deceased registered proprietor's full name and residential address.
4. Date of the deceased registered proprietor's death.
5. Particulars of the brand or earmark design belonging to the deceased registered proprietor sufficient to identify the design.
6. The name and full residential address of the beneficiary entitled to ownership of the brand or earmark design on the death of the registered proprietor.
7. Particulars sufficient to identify any holding (being a holding located in the district concerned) on which the beneficiary keeps stock.

FOR SCHEDULES 6 AND 7, SEE GAZETTE NO. 105 OF 1.9.1995, pp. 5894–5896

## SCHEDULE 8—PARTS OF LARGE STOCK ANIMALS ON WHICH REGISTERED BRAND DESIGNS MAY BE PLACED

(Cil. 149, 151)

Application to horses of registered brand designs

1. (1) The parts of a horse on which a registered brand design may be placed are as follows:

- (a) the left shoulder;
- (b) the right shoulder;
- (c) the left thigh;
- (d) the right thigh;
- (e) the right neck.

(2) A registered brand design that is to be applied to a horse must be applied in the order set out in subclause (1) so that the first such design appears on the left shoulder of the horse, the second appears on the right shoulder and so on.

#### Application to cattle of registered brand designs

2. (1) The parts of cattle on which a registered brand design may be placed are as follows:

- (a) the left rump;
- (b) the right rump;
- (c) the left thigh;
- (d) the right thigh.

(2) The first registered brand design to be applied to cattle must be applied to the left rump of the animal but subsequent registered brand designs may be applied to any part mentioned in subclause (1) (b), (c) or (d) so long as no other brand design (whether registered or not) appears on that part.

#### Application to cattle and deer of registered brand designs in the form of ear tattoos

3. If it is proposed to apply to cattle or deer a registered brand design in the form of an ear tattoo, then, whether the animal is male or female, the part of the animal to which the design may be applied is the left ear.

FOR SCHEDULE 9, SEE GAZETTE NO. 105 OF 1.9.1995, pp. 5898–5905

### SCHEDULE 10—PENALTY NOTICE OFFENCES AND SHORT DESCRIPTIONS

(Cll. 171, 172)

#### PART 1—PRESCRIBED OFFENCES UNDER THE ACT

| Column 1 | Column 2   | Column 3 |
|----------|--|----------|
| Section  | Offence  | Amount   |
| 19 (11)  | Lodge false/misleading enrolment application                   | -        |
| 29 (1)   | Fail to keep adequate accounting records/records for accounts  | -        |
| 29 (2)   | Fail to retain accounting records for 7 years                  | -        |
| 29 (3)   | Fail to keep accounting records in English/accessible language | -        |
| 30 (1)   | Fail to cause accounts to be made                              | -        |
| 30 (2)   | Fail to ensure accounts audited                                | -        |
| 30 (3)   | Fail to attach auditor's report to accounts                    | -        |
| 30 (4)   | Fail to ensure accounts comply with regulations                | -        |

|            |  |       |
|------------|--|-------|
| 30 (5)     | Fail to attach directors' statement to accounts  | -     |
| 30 (6)     | Fail to transmit and publish accounts  | -     |
| 40 (a)     | Refuse/fail to allow auditor access to accounts/records/give information/explanation   | -     |
| 40 (b)     | Hinder/obstruct/delay auditor  | -     |
| 48 (3)     | Fail to produce records for inspection   | -     |
| 57 (4)     | Failing to lodge annual return on time   | \$100 |
| 58 (2)     | Fail to provide information to board   | -     |
| 60 (2)     | Taking Crown land on tenure without lodging surety   | \$200 |
| 65 (2)     | Failing to notify relevant board of change of occupancy/ownership of ratable land as required by section 65 (1) of the Act   | \$200 |
| 65A (1)    | Failing to notify relevant board of change of postal address of occupier of ratable land/owner of stock  | \$100 |
| 65A (2)    | Failing to notify relevant board of person's postal address on becoming occupier of ratable land/owner of stock  | \$100 |
| 65A (3)    | Failing to notify relevant board of change of postal address of registered proprietor of means of identification of stock (registered stock brand or earmark design) | \$100 |
| 85 (1)     | Entering/remaining on/occupying/making use of/engaging in activity that damages/is likely to damage travelling stock reserve, except with appropriate authority      | \$300 |
| 88 (2) (a) | Conveying stock by vehicle over public road/travelling stock reserve without appropriate authority   | \$100 |
| 88 (2) (b) | Consigning stock by rail/water/air transport, without appropriate authority  |       |

\$100

|            |   |       |
|------------|---|-------|
| 88 (3)     | Failure of person conveying/consigning stock to ensure that conditions of relevant authority are complied with  | \$100 |
| 88 (4) (a) | Fail to possess transported stock statement   | -     |
| 88 (4) (b) | Fail to ensure stock as in transported stock statement  | -     |
| 88 (4) (c) | Fail to ensure conditions/restrictions of authority not breached  | -     |
| 88 (5)     | Failure of person in charge of stock to comply with requirement of section 88 (4) of the Act  | \$200 |
| 88 (6)     | Fail to allow inspection and counting of stock  | -     |
| 88 (7)     | Fail to produce authority for inspection  | -     |
| 88 (8)     | Failure of person in charge of stock to comply with request of prescribed officer under section 88 (6)/(7) of the Act   | \$200 |
| 90 (2)     | Failure of owner/person in charge of walking/grazing stock to ensure stock do not walk/graze on public road/travelling stock reserve except under appropriate authority | \$300 |
| 90 (4)     | Failure of holder of walking stock/grazing permit to ensure conditions/restrictions of permit are complied with   | \$200 |
| 90 (7)     | Fail to allow inspection of stock/authority   | -     |
| 90 (8)     | Fail to produce authority   | -     |
| 90 (9)     | Fail to comply with request of occupier   | -     |
| 93 (8)     | Fail to ensure removal of stock from reserve  | -     |
| 93 (9)     | Failure to remove grazing stock from travelling stock reserve in accordance with notice under section 93 (8) of the Act   | \$200 |

|         |  |       |
|---------|--|-------|
| 96 (1)  | Fail to display warning signs  | -     |
| 96 (2)  | Fail to remove warning signs   | -     |
| 96 (3)  | Failure of person in charge of stock to display/remove stock warning signs as required by section 96 (1)/(2) of the Act                    | \$100 |
| 96 (5)  | Fail to give way to stock  | -     |
| 97      | Fail to keep bitumen/made up road surface free from stock  | -     |
| 98 (10) | Leaving stock unattended on public road/travelling stock reserve otherwise than in stock holding area                                      | \$200 |
| 105 (1) | Erecting/placing structure on travelling stock reserve without authority of relevant board   | \$300 |
| 106 (1) | Leaving rubbish/carcass on travelling stock reserve/abandoning thing on travelling stock reserve   | \$200 |
| 108     | Make false/misleading statement in application/transported stock statement   | -     |
| 112 (1) | Abandoning stock on public road/public land  | \$500 |
| 113 (1) | Allowing stock to trespass on public road/reserve  | \$200 |
| 116 (2) | Releasing/inciting/assisting person in releasing impounded animal without authority  | \$500 |
| 123     | Obstruct persons/stock in use of stock watering place/water/pasture  | -     |
| 124     | Fail to produce permit to person in charge of watering place   | -     |
| 125 (1) | Polluting/interfering with source of water supply for stock watering place   | \$500 |
| 126     | Fail to suppress noxious animals on land/road/travelling stock reserve/in watercourse/inland water/enclosed land/on portion of watercourse |       |

|                  |   |       |
|------------------|---|-------|
| -                |   |       |
| 126 (4)          | Failure of occupier of land to suppress and destroy noxious animals   | \$200 |
| 127 (4)          | Failure of owner/occupier of land to comply with order of relevant board to suppress and destroy noxious animals by prescribed method | \$500 |
| 129 (1)          | Fail to stop  | -     |
| 129 (2)          | Failure of driver of vehicle to comply with requirement to stop vehicle believed to contain feral pig                                 | \$500 |
| 129A (1)         | Fail to destroy noxious animal  | -     |
| 129A (3)         | Failing to comply with instruction regarding destruction of noxious animal  | \$500 |
| 131 (5)          | Administer prohibited substance to noxious animal   | -     |
| 131 (11) (a)     | Keeping noxious animal without Minister's permission  | \$100 |
| 131 (11) (b)     | Failing to comply with condition of Minister's permission<br>\$100  |       |
| 132 (2) (a)      | Shoot/poison/trap/noxious animal in/in the vicinity of prohibited area  | -     |
| 132 (2) (b)      | Act to suppress/destroy noxious animal in/near prohibited area  | -     |
| 133 (1)          | Intentionally/recklessly carry/drive/pass noxious animal through/under/over fence/gate  | -     |
| 133 (2)          | Liberating lawfully kept noxious animal   | \$500 |
| 133 (3) (a)      | Intentionally/recklessly/ negligently leave open gate   | -     |
| 133 (3) (b) (i)  | Intentionally/recklessly/ negligently destroy/damage gate   | -     |
| 133 (3) (b) (ii) | Intentionally/recklessly/ negligently interfere with fence/gate/soil under fence/gate   | -     |
| 133 (3) (c) (i)  | Damage/destroy/remove thing   | -     |



|                  |  |       |
|------------------|--|-------|
| 133 (3) (c) (ii) | Interfere with thing   | -     |
| 133 (3) (d)      | Attempt to carry/drive/pass noxious animal through/under/over fence/gate/to liberate noxious animal/to leave open gate/to destroy/damage any fence/gate/to interfere with fence/gate/soil under fence/gate/to destroy/damage/remove thing/interfere with thing | -     |
| 133 (4)          | Conveying live feral pig without Minister's permission   | \$500 |
| 135 (4)          | Issue certificate that is false/misleading   | -     |
| 136 (a)          | False claim for bonus already paid   | -     |
| 136 (b)          | False claim for bonus from incorrect board   | -     |
| 139              | Fail to notify board of presence of noxious insects  | -     |
| 140 (2)          | Failure of occupier of land to comply with notice requiring noxious insects to be suppressed and destroyed   | \$200 |
| 141 (4)          | Failure of occupier of land to suppress and destroy noxious insects in accordance with order of relevant board   | \$500 |
| 141 (4)          | Fail to comply with order  | -     |
| 142 (4)          | Failure of occupier of land to comply with requirements of notice published by relevant board relating to noxious insects  | \$200 |
| 178 (a) (i)      | Intentionally/recklessly/ negligently damage/interfere with rabbit/dog/marsupial proof fence   | -     |
| 178 (a) (ii)     | Intentionally/recklessly/ negligently damage/interfere with fence of travelling stock reserve  | -     |
| 178 (a) (iii)    | Intentionally/recklessly/ negligently damage/interfere with fence on boundary of holding   | -     |
| 178 (b)          | Erect break against rabbit/dog/marsupial proof fence/fence of travelling stock reserve/holding   | -     |
| 179              | Obstruct by-pass   | -     |
| 186 (1) (a)      | Apply unauthorised firebrand/freezebrand/ear tattoo to stock   | -     |

|             |  |       |
|-------------|--|-------|
| 186 (1) (b) | Apply brand to incorrect part of large animal stock  | -     |
| 186 (2) (a) | Apply earmark of incorrect dimension/shape to cattle/deer  | -     |
| 186 (2) (b) | Apply registered earmark to incorrect ear of cattle/deer   | -     |
| 187 (3)     | Apply distinctive earmark to incorrect ear of cattle/deer  | -     |
| 189 (1)     | Fail to ensure unregistered earmark not applied to small stock   | -     |
| 189 (2)     | Failure of owner of small stock to ensure that brand/earmark not applied to those stock unless brand/earmark is of registered design | \$200 |
| 192 (1) (a) | Apply smaller than specified firebrand/colour brand to small stock   | -     |
| 192 (1) (b) | Apply registered brand to wrong part of small stock  | -     |
| 192 (3) (a) | Apply earmark of incorrect type to small stock   | -     |
| 192 (3) (b) | Apply registered earmark to wrong ear of small stock   | -     |
| 193 (2)     | Apply distinctive earmark to wrong ear of small stock  | -     |
| 199 (1) (a) | Unauthorised application of brand/earmark by proprietor of brand/earmark design  | \$500 |
| 199 (1) (b) | Application of brand/earmark of design by person who is not proprietor of design   | \$100 |
| 199 (1) (c) | Unauthorised application of brand/earmark of unregistered design   | \$100 |
| 199 (1) (d) | Destroying/defacing brand applied to stock   | \$100 |
| 199 (1) (e) | Altering earmark applied to stock  | \$100 |
| 199 (1) (f) | Unlawfully applying additional earmark to stock  | \$100 |
| 199 (1) (g) | Altering brand on stock  | \$100 |
| 199 (1) (h) | Cutting off/cutting out more than one-quarter of ear of stock  | \$100 |

|             |  |       |
|-------------|--|-------|
| 199 (1) (i) | Applying registered earmark with unauthorised instrument                                       | \$100 |
| 199 (3)     | Fail to notify registrar/Police Force of branding offence                                      | -     |
| 201 (1)     | Mark fleece/skin of sheep/goat   | -     |
| 202 (1)     | Fail to give notice of muster  | -     |
| 202 (4)     | Fail to permit person to attend muster   | -     |
| 202 (7)     | Failing to give notice of muster to occupier of adjoining holding                              | \$100 |
| 202 (8)     | Failing to allow occupier of adjoining holding to attend muster                                | \$100 |
| 208 (1)     | Fail to provide information  | -     |
| 208 (3)     | Provide false/misleading information in return/document  | -     |
| 208 (5)     | Forge/alter/make improper use of transported stock statement/permit/licence authority/document | -     |
| 209 (1) (a) | Obstruct/hinder/delay authorised/prescribed officer/authorised person/person assisting         | -     |
| 209 (1) (b) | Threaten/assault authorised/prescribed officer/authorised person/person assisting              | -     |
| 209 (2)     | Fail to comply with requirement by authorised/prescribed officer/authorised person             | -     |

#### PART 2—PRESCRIBED OFFENCES UNDER THIS REGULATION

| Column 1   | Column 2  | Column 3 |
|------------|---|----------|
| Section    | Offence   | Amount   |
| 51 (1) (a) | Being on travelling stock reserve at night without lawful authority                                   | \$100    |
| 51 (1) (b) | Lighting fire on travelling stock reserve at non-designated site without lawful authority             | \$100    |
| 51 (1) (c) | Diverting/interfering with natural flow of water on travelling stock reserve without lawful authority | \$100    |

|            |  |       |
|------------|--|-------|
| 51 (1) (d) | Swimming/bathing in water tank/dam on travelling stock reserve without lawful authority                        | \$100 |
| 51 (1) (e) | Causing/permitting large stock to be yarded in sheep yard on travelling stock reserve without lawful authority | \$100 |
| 51 (4) (a) | Causing nuisance/annoyance to person on travelling stock reserve   | \$100 |
| 51 (4) (b) | Interfering with stock/beehives on travelling stock reserve  | \$100 |
| 51 (5)     | Refusing to comply with lawful direction to leave travelling stock reserve                                     | \$100 |
| 51 (6)     | Failure to comply with direction to refrain from causing nuisance or annoyance on travelling stock reserve     | \$100 |
| 52 (7)     | Failing, without reasonable excuse, to produce on request authority issued under section 86 (3) of the Act     | \$100 |
| 53 (4)     | Removing/damaging/interfering with travelling stock reserve closure sign without lawful authority              | \$100 |
| 54 (3)     | Removing/damaging/interfering with pesticide warning sign on travelling stock reserve without lawful authority | \$100 |
| 55         | Failing to ensure that stock do not gain access to water tank on travelling stock reserve                      | \$100 |
| 56         | Unauthorised camping/remaining on travelling stock reserve   | \$200 |
| 57 (a)     | Failure of person in charge of stock to ensure water provided at trough on travelling stock reserve not wasted | \$200 |
| 57 (b)     | Failure of person in charge of stock to supervise flow of water into trough on travelling stock reserve        | \$200 |

|        |  |       |
|--------|--|-------|
| 57 (c) | Failure of person in charge of stock to turn off trough stopcock on travelling stock reserve   | \$200 |
| 57 (d) | Failure of person in charge of stock to ensure trough/equipment associated with trough on travelling stock reserve left in reasonable condition after use                | \$200 |
| 62 (2) | Failing to retain copies of used transported stock statements for required period/failing to produce copies of transported stock statements for inspection when required | \$100 |
| 70 (1) | Failure of person in charge of stock to give notice of proposed travel of walking stock  | \$100 |
| 70 (2) | Failure of person in charge of stock to give notice of proposed entry of walking stock into another district   | \$100 |
| 72 (2) | Moving/causing movement of/stock along route other than specified route  | \$200 |
| 75 (7) | Failure to comply with order of authorised officer to cull stock from mob  | \$200 |
| 75 (8) | Failure to pay appropriate charges when fresh permit endorsed for slow travel issued   | \$200 |
| 79 (1) | Failure of person in charge of stock to place stock in available stock holding area at night   | \$100 |
| 79 (3) | Failure of person in charge of stock to ensure that portable holding structure is erected at least 1 metre from permanent fence  | \$100 |
| 79 (4) | Failure of person in charge of stock to erect appropriate signs when stock halted at night otherwise than in stock holding area  | \$200 |
| 79 (5) | Failure of person in charge of stock to ensure that stock halted away from carriageway of road   |       |

\$100

81

Failure of person in charge of stock to ensure stock do not camp on public road or travelling stock reserve during short journey

\$200

82 (2) (a)

Failure of person in charge of stock to ensure that stock warning signs face approaching traffic

\$100

|            |   |       |
|------------|---|-------|
| 82 (2) (b) | Failure of person in charge of stock to display stock warning sign sufficient distance from stock                                       | \$100 |
| 82 (2) (c) | Failure of person in charge of stock to ensure stock warning sign placed not more than 5 kilometres from stock                          | \$100 |
| 82 (2) (d) | Failure of person in charge of stock to ensure particulars of stock warning sign are visible to drivers                                 | \$100 |
| 82 (2) (e) | Failure of person in charge of stock to ensure removal of stock warning signs after stock have left road                                | \$100 |
| 82 (2) (f) | Failure of person in charge of stock to ensure stock warning sign complies with construction requirements                               | \$100 |
| 83 (2) (a) | Failure of person in charge of stock to display stock warning sign at required place  | \$100 |
| 83 (2) (b) | Failure of person in charge of stock to ensure particulars of stock warning sign are visible to drivers                                 | \$100 |
| 83 (2) (c) | Failure of person in charge of stock to ensure stock warning sign complies with construction requirements                               | \$100 |
| 84 (2) (a) | Failure of occupier of land to ensure stock warning signs for unfenced grazing land are permanently displayed                           | \$100 |
| 84 (2) (b) | Failure of occupier of land to ensure distance between stock warning signs for unfenced grazing land does not exceed specified distance | \$100 |
| 85 (1)     | Failing to ensure that stock warning sign displayed at night is made of reflective material   | \$100 |

|        |  |       |
|--------|--|-------|
| 89 (3) | Failure of person in charge of stock to keep stock under adequate control while on public road or travelling stock reserve                       | \$200 |
| 90 (3) | Failure of person in charge of stock to comply with direction of authorised officer under clause 90 (1) (direction to reduce dispersal of stock) | \$200 |
| 91 (3) | Failure of person in charge of walking stock to comply with condition of walking stock permit  | \$200 |

---

#### NOTES

Rural Lands Protection Regulation 1995 published in Gazette No. 105 of 1.9.1995, p. 5814 (see also Gazette No. 113 of 15.9.1995, p. 6724) and amended in Gazettes No. 62 of 27.3.1998, p. 1905, No. 120 of 14.8.1998, p. 6051 and No. 176 of 18.12.1998, p. 9795.

---

#### Table of Amendments

Cl. 126—Am. 27.3.1998.  
 Cl. 171—Am. 14.8.1998.  
 Sch. 2—Am. 18.12.1998.  
 Sch. 10—Am. 14.8.1998.

---