

PASTURES PROTECTION (AMENDMENT) ACT.

Act No. 70, 1964.

Elizabeth II, An Act to make further provisions with respect to rating under the Pastures Protection Act, 1934, as amended by subsequent Acts; to increase the rates payable under that Act, as so amended, for travelling stock; to make provisions prohibiting the marking of the fleeces and skins of sheep with certain substances; for these and other purposes to amend that Act, as so amended; and for purposes connected therewith. [Assented to, 18th December, 1964.]
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BE

BE it enacted by the Queen's Most Excellent Majesty, by No. 70, 1964 and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Pastures Protection (Amendment) Act, 1964".

Short title and citation.

(2) The Pastures Protection Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the Pastures Protection Act, 1934-1964.

(3) The Pastures Protection Act, 1934, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2. (1) Part I of the Principal Act is amended—

Amendment of Act No. 35, 1934. Part I. (Preliminary.)

(a) by omitting from the matter relating to Part VIII in section two the figures and letter "157A" and by inserting in lieu thereof the figures and letter "157B";

Sec. 2. (Division into Parts.)

(b) (i) by omitting from section four the definition of "Colour brand" and by inserting in lieu thereof the following definition:—

Sec. 4. (Interpretation.)

"Colour brand" means any brand made upon a sheep by means of a prescribed substance that is of a prescribed colour.

(ii) by inserting in the same section after the definition of "Permit officer" the following new definition:—

"Pig" includes boar, sow, barrow, piglet or sucker.

(2) Subparagraph (i) of paragraph (b) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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No. 70, 1964 **3.** Part II of the Principal Act is amended—

Further
amendment
of Act No.
35, 1934.

Part II.
(Pastures
Protection
Districts
and
Boards.)

Sec. 8.
(Extra-
ordinary
vacancy.)

(a) by omitting paragraph (e) of subsection one of section eight and by inserting in lieu thereof the following paragraph :—

(e) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts; or;

Sec. 23.
(Permit
officers.)

(b) by omitting from subsection one of section twenty-three the words "The Minister" and by inserting in lieu thereof the words "A board";

Sec. 24.
(Other
officers.)

(c) by inserting next after subsection two of section twenty-four the following new subsection :—

(2A) The Crown shall contribute one-half of the cost of insurance under the Workers' Compensation Act, 1926, as amended by subsequent Acts, in respect of each ranger.

Further
amendment
of Act No.
35, 1934.

Part III.
(Rates.)

New sec.
25A.

Special
rate for
pigs.

4. (1) Part III of the Principal Act is amended—

(a) by inserting next after section twenty-five the following new section :—

25A. (1) For the purpose of defraying expenses incurred by it in any year in connection with the eradication and control of disease in pigs, a board may, subject to this Part, make and levy in the next ensuing year a special rate on each occupier of land

land which is ratable land under subsection three of section thirty-one of this Act and is within the district. No. 70, 1964

(2) In addition to any specific provisions relating to any such special rate, the provisions of this Part (subsections two, three and four of section twenty-seven, section thirty, subsections one and two of section thirty-one and section thirty-two excepted) shall apply, mutatis mutandis, to the making, levying, notification, collection, payment, recovery and apportionment of such special rate, and for those purposes, "stock", in this Part, includes pigs.

- (b) by inserting next after section twenty-eight the following new section :— New sec. 28A.

28A. A person shall, within one month of his ceasing to be or becoming the occupier of ratable land, give the prescribed notice to the board. Notification of changes in occupancy of ratable land.

- (c) (i) by inserting next after subsection one of section twenty-nine the following new subsection :— Sec. 29. (Liability of person becoming occupier.)

(1A) The provisions of subsection one of this section shall not affect or extend to any person who is the occupier of land the subject of a lease or purchase from the Crown, where the lease is granted or purchase is made after the rate is levied, whether the land has been previously held under a lease or purchase from the Crown or not.

- (ii) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection :—

(5) If the occupier of any land pays to the board any rate which accrued during the occupancy of the land by some other person, he may recover from that other person such proportion of the rate as accrued whilst that other person was in occupation of the land.

(d)

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 Sec. 31.
 (Ratable
 land.)

(d) by inserting next after subsection two of section thirty-one the following new subsection : —

(3) In respect of any year in which a board makes a special rate pursuant to section 25A of this Act, the occupier of land within a district—

(a) on which land there were kept on the thirty-first day of December preceding the year for which the special rate is made, four pigs or more; or

(b) in respect of which land the number determined by the board pursuant to subsection two of section 32A of this Act or by a local land board on appeal is four or more,

shall, subject to subsection two of section 25A of this Act, be ratable and the land shall be ratable land for the purposes of section fifteen of this Act and this Part, but shall not, by reason only of this subsection, be ratable land for the purposes of any other Act.

New sec.
 32A.

Amount of
 special
 rate for
 pigs.

(e) by inserting next after section thirty-two the following new section : —

32A. (1) Subject to the provisions of this Act, a special rate made pursuant to section 25A of this Act shall be calculated in accordance with the number of pigs shown in the return furnished in pursuance of the provisions of section thirty-nine of this Act as being owned by the occupier and on the land on the thirty-first day of December immediately preceding the year for which the rate is made, including pigs so owned which were travelling to or from the said land and pigs which have been removed from that land on agistment.

Where, however, the one occupier is ratable in respect of more than one holding, any travelling pigs or pigs on agistment shall be taken into account in respect of one of such holdings only.

(2)

(2) Where a board is aware that an occupier of land within the district has kept pigs on the land during any part of the year immediately preceding the year for which a special rate is made pursuant to section 25A of this Act and—

- (a) the number of pigs shown in the return referred to in subsection one of this section is less than the number, as determined by the board, of pigs which could reasonably have been kept on the land on the thirty-first day of December immediately preceding the year for which the special rate is made; or
- (b) the return is not furnished to the secretary of the board by the prescribed date,

the special rate shall be calculated in accordance with the number, as determined by the board, of pigs which could reasonably have been kept on the land on the said thirty-first day of December.

(3) In making any such determination, the board shall have regard to the nature of the holding, the improvements and equipment thereon used or usable for pig-keeping, the manner in which the holding has been worked and any other relevant information in the board's possession.

(4) Where the occupier of any land is dissatisfied with any determination of the board made pursuant to subsection two of this section, he may, within thirty days after service of the rate notice, appeal in the same manner as is provided in section thirty-three of this Act in the case of appeals against the board's determination of carrying capacity.

The provisions of the said section thirty-three shall apply, *mutatis mutandis*, to any appeal pursuant to this subsection and a reference in that section to carrying capacity shall be construed as a reference to the number of pigs which could reasonably

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reasonably have been kept on that land on the relevant date, having regard to the matters referred to in subsection three of this section.

(5) Where the rate calculated in accordance with the provisions of this section is less than two shillings, the rate which shall be levied shall be two shillings.

Sec. 39.
(Returns
of land
and stock.)

(f) (i) by inserting next after subsection one of section thirty-nine the following new subsection :—

(1A) Any return purporting to be a return under subsection one of this section and to be made or signed by or on behalf of any person shall be deemed to be a return under that subsection duly made and signed by that person until the contrary is proved.

(ii) by inserting at the end of the same section the following new subsection :—

(3) In this section, "stock" includes pigs.

New sec.
39A.

(g) by inserting next after section thirty-nine the following new section :—

Duty to
supply in-
formation
respecting
land or
stock.

39A. (1) A board may, in the prescribed manner, require any owner or occupier of land, or any owner of stock to furnish, within the prescribed time and in the prescribed manner, any information regarding such land or stock which is required by the board for the purposes of verifying or inquiring into the accuracy of information contained in any return of land and stock furnished to it under section thirty-nine of this Act.

(2) Any person who, being required to furnish any information pursuant to subsection one of this section—

(a) fails to do so within the prescribed time or in the prescribed manner; or

(b)

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(b) furnishes any incorrect or misleading information, No. 70, 1964

shall be liable to a penalty not exceeding fifty pounds.

(3) In this section, "stock" includes pigs.

(h) by inserting in section forty after the word "Part" where firstly occurring the words and symbols "(other than subsection three of section thirty-one)". Sec. 40. (Holdings in two or more districts.)

(2) Paragraphs (b) and (g) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5. (1) Part IV of the Principal Act is amended—

Further amendment of Act No. 35, 1934. Part IV. (Travelling Stock and Travelling Stock and Camping Reserves.)

(a) by omitting from subsection (3B) of section forty-one the words "section sixty-six" and by inserting in lieu thereof the words, figures and letters "sections sixty-six, 66A and 66B"; Sec. 41. (Control of travelling stock and camping reserves.)

(b) (i) by omitting from subsection two of section forty-three the words "one shilling" where firstly occurring and by inserting in lieu thereof of the words "one shilling and fourpence"; Sec. 43. (Rate on travelling stock.)

(ii) by omitting from the same subsection the words "one shilling and sixpence" and by inserting in lieu thereof the words "two shillings";

(iii)

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(iii) by inserting in the same subsection after the words "twenty-five head" the words "but in neither case shall the amount payable in respect of any journey be less than two shillings and sixpence.";

Sec. 48.
(Permits,
licenses, and
travelling
statements.)

(c) (i) by inserting in subparagraph (i) of paragraph (a) of subsection one of section forty-eight after the word "person" the words "and the stock moved are the stock described in the permit issued for the journey";

(ii) by inserting at the end of subparagraph (ii) of the same paragraph the word "or";

(iii) by inserting in subparagraph (iii) of the same paragraph after the word "statement" where secondly occurring the words "and the stock moved are the stock described in the travelling statement";

(iv) by inserting next after paragraph (b) of subsection two of the same section the following new paragraph:—

(b1) in the case of sheep or large stock being moved by their owner by the most direct route between two holdings occupied by him within the same district, such holdings being by such route more than twelve miles apart, provided that their movement over any travelling stock reserve, camping reserve or road is entirely by motor transport;

(v) by inserting next after subsection seven of the same section the following new subsection:—

(8) Any person who in or in connection with any application for a permit or renewed permit or in connection with any travelling statement furnishes any information which is false or misleading in any material particular shall be liable to a penalty not exceeding fifty pounds.

(d)

- (d) (i) by omitting from subsection one of section **No. 70, 1964** forty-nine the words "Where the owner of stock moves them on a journey in respect of which a permit or renewed permit under this Act is required and within one month after the stock have arrived at their destination he desires to move them to another destination he shall obtain a renewed permit for such subsequent journey" and by inserting in lieu thereof the following words :—

Sec. 49.
(Stock starting from previous destination to pay travelling charge.)

If any stock are moved on a journey in respect of which a permit or renewed permit under this Act is required and within one month after the stock have arrived at their destination it is desired to move them to another destination a renewed permit shall be obtained for such subsequent journey.

- (ii) by omitting from subsection two of the same section the words "the Minister, or";
- (iii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection :—

(9) If any person moves any stock on a journey in respect of which a renewed permit is required by this section, and if such renewed permit has not been obtained or the stock so moved are not the stock described in the renewed permit, the owner of the stock, unless they are being moved without his authority, and, if the stock are moved by some person other than the owner, that person, shall be liable to a penalty not exceeding fifty pounds.

- (e) by inserting at the end of section fifty-three the following new paragraph :—

Sec. 53.
(Stock not to be driven at night without consent.)

In this section "board" means the board for the district where the permit or renewed permit is issued or, in cases where a travelling statement is required, the board for the district in which the journey specified in the travelling statement commences.

(f)

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Sec. 58.
(Rate of
travel.)

- (f) by omitting from subsection two of section fifty-eight the words "any penalty imposed, order such person" and by inserting in lieu thereof the words "imposing a penalty, order the person shown as the owner of the stock in the permit, renewed permit, travelling statement or working large stock license, as the case may be";

Sec. 66.
(Stock un-
lawfully on
a travelling
stock
reserve.)

- (g) by omitting subsection two of section sixty-six and by inserting in lieu thereof the following subsection :—

(2) The court before which a person is convicted of an offence against the provisions of subsection one of this section shall, in addition to imposing a penalty, order the owner of the stock—

(a) where the offence was committed within one district to pay to the board for that district; or

(b) where the offence was committed within two or more districts to pay to the board for each such district in such proportions as the court deems equitable,

agistment fees, as prescribed, calculated in respect of the number of days the stock were trespassing on the travelling stock reserve.

The provisions of subsection two of section fifty-eight of this Act relating to the operation and enforcement of orders for the payment of agistment fees shall apply, mutatis mutandis, to orders for the payment of agistment fees made pursuant to this subsection.

New secs.
66A and 66B.

- (h) by inserting next after section sixty-six the following new sections :—

Impounding.

66A. (1) (a) Any stock deemed by section sixty-six of this Act to be trespassing stock may be impounded by the board on any day of the week and at any time of the day or night.

(b)

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(b) Such impounding may be effected No. 70, 1964 by a ranger or other officer of the board or any person authorised in writing by a ranger.

(c) Subject to paragraph (d) of this subsection, the ranger, officer or person impounding the animal shall drive, lead or otherwise take it to such pound as he deems convenient.

(d) The board may detain any animal in like manner and for the like period that a council may do so under the provisions of section four hundred and twenty-six of the Local Government Act, 1919, as amended by subsequent Acts.

(2) Any animal seized or detained for the purpose of impounding may, at any time before it is placed in a pound, be released by the board or any person empowered by this section to effect an impounding to the owner of the animal or any person authorised in writing by him to take delivery thereof on his behalf upon payment of deterrent fees, damage fees and driving charges calculated at the rates applicable to a case where an animal is impounded by the board.

(3) Where any money is received from a person to whom a seized or detained animal is released in pursuance of subsection two of this section he shall be issued with a receipt therefor and the money shall forthwith be paid over to the board by the person who received it.

(4) Where the board or any person empowered by this section to effect an impounding has seized or detained an animal for the purpose of impounding, it or such person, as the case may be, shall, on demand by the owner of the animal or any person authorised in writing by him as aforesaid, state the amount to be paid to obtain the release of the animal and, if demanded, furnish a statement showing particulars of such amount.

(5)

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(5) Any person applying for the release of any animal seized, detained or impounded in pursuance of this Act shall state to the board or the person to whom application is made his full name and address and also, if he is not the owner, the full name and address of the owner of the animal and shall, if he obtains the release of the animal, give a receipt for the animal.

Rescue.

66B. Any person who rescues, or incites or assists any other person in rescuing any animal lawfully impounded or seized or detained for the purpose of being impounded in pursuance of the provisions of this Act, shall be liable to a penalty not exceeding twenty pounds, together with the fees, charges and damages payable to the board in respect of such animal.

(2) Paragraph (g) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Further amendment of Act No. 35, 1934.
Part VI.
(Noxious Animals.)

6. Part VI of the Principal Act is amended—

Sec. 85.
(Permission to keep noxious animals.)

(a) by omitting from section eighty-five the words "the Consolidated Revenue Fund" and by inserting in lieu thereof the words "such board as the Minister may direct";

Sec. 101.
(Powers of authorised person.)

(b) by inserting in subsection one of section one hundred and one after the words "section one hundred" the words "or, at least seven days previously, has served upon the occupier of any land notice in writing of its intention to enter such land for the purpose of taking such measures and carrying out such work as it deems necessary for or with respect to the destruction of native dogs thereon".

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7. Part VII of the Principal Act is amended—

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Further amendment of Act No. 35, 1934.

Part VII.

(Rabbit, Marsupial, and Dog-proof Fences.)

- (a) (i) by inserting in subsection one of section one hundred and twenty-six after the words "adjoining the reserve" the words "or separated therefrom only by a road";
- (ii) by inserting in paragraph (a) of the same subsection after the words "travelling stock reserve" the words "or road, as the case may be,".

Sec. 126. (Fencing reserves.)

- (b) by inserting in subsection one of section one hundred and forty-three after the word "reserve," the words "or a fence on the boundary of a holding separated from a travelling stock reserve only by a road,".

Sec. 143. (Persons interfering with rabbit-proof, dog-proof, and marsupial-proof fences.)

8. (1) Part VIII of the Principal Act is amended—

Further amendment of Act No. 35, 1934.

Part VIII.

(Branding and Ear-marking of Sheep.)

- (a) by omitting from paragraph (b) of subsection two of section one hundred and forty-five the words "the inspector," and by inserting in lieu thereof the words "a ranger";

Sec. 145. (Owner of sheep to register brand and earmark.)

- (b) by omitting from subsections two and three of section one hundred and fifty-seven the word "inspector" wherever occurring and by inserting in lieu thereof the words "secretary of the board";

Sec. 157. (Offences.)

(c)

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New sec.
157B.Restriction
as to
marking of
fleece or
skin of
sheep.

(c) by inserting next after section 157A the following new section :—

157B. (1) Except in such circumstances and subject to such conditions as may be prescribed, and except as provided in subsection two of this section, a person who marks the fleece or skin of a sheep with any substance, whether for the purpose of branding or otherwise, shall be liable to a penalty not exceeding fifty pounds.

(2) The provisions of subsection one of this section shall not extend to the marking of the fleece or skin of a sheep with raddle, grease, crayon or a substance registered as a stock medicine under the Stock Foods and Medicines Act, 1940, or any Act amending that Act, or to branding with a colour brand.

(2) Paragraph (c) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, being a day not earlier than the day appointed pursuant to subsection two of section two of this Act.

Further
amendment
of Act No.
35, 1934.
Part X.
(General
Provisions.)

9. (1) Part X of the Principal Act is amended—

Sec. 163.
(Penalty for
not giving
information.)

(a) by inserting in subsection one of section one hundred and sixty-three after the words "to any" the words "land, pigs,";

(b)

(b) by inserting next after paragraph (m) of subsection one of section one hundred and seventy-one the following new paragraph :—

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Sec. 171.

(Regulations.)

(m1) the substances with which and the colours in which colour brands may be made.

(2) Paragraph (b) of subsection one of this section shall commence upon the day appointed by the Governor pursuant to subsection two of section two of this Act.

