

**PASTURES PROTECTION (AMENDMENT) ACT.**

**New South Wales**



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 16, 1970.**

An Act relating to elections of directors, travelling stock, the levying of rates, penalties for offences and other matters dealt with in the Pastures Protection Act, 1934; for these purposes to amend that Act; and for purposes connected therewith. [Assented to, 26th March, 1970.]

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

Short title.      **1.** This Act may be cited as the "Pastures Protection (Amendment) Act, 1970".

**2.**

*Pastures Protection (Amendment).***2. (1) The Pastures Protection Act, 1934, is amended— No. 16, 1970**

- Amendment  
of Act No.  
35, 1934.
- (a) by omitting from the matter relating to Part II in section two the figures “24” and by inserting in lieu thereof the figures and symbol “24A”; Sec. 2.  
(Division  
into Parts.)
- (b) by inserting next after the definition of “Holding” in section four the following new definition :— Sec. 4.  
(Interpre-  
tation.)  
     “Holding place” means an enclosure or structure that is for the time declared under section 58A of this Act to be a holding place for the purposes of this Act.
- (c) by inserting next after section twenty-four the following new section :— New sec.  
24A.  
     24A. (1) Where a person appointed under section twenty-one or twenty-four of this Act receives payment in respect of long service leave, entitlement to which arose from service with two or more boards, contributions to or in respect of that payment shall be made by such boards, in such amounts and in such manner as the Minister directs. Apportion-  
ment of  
certain  
long service  
leave  
payments  
between  
boards.  
     (2) Subsection one of this section has effect in respect of service with two or more boards, whether the service with those boards was—  
     (a) concurrent;  
     (b) not concurrent; or  
     (c) partly concurrent and partly not concurrent.  
     (3) For the purposes of this section, a person appointed under section twenty-one of this Act for a district shall be deemed to be in the service of the board for the district.
- (d) (i) by omitting from subsection two of section twenty-nine the words “in writing, and shall state the name and address of the applicant, and the particulars of the land in relation to the occupier of which the information is Sec. 29.  
(Liability  
of person  
becoming  
occupier.)  
     required”

*Pastures Protection (Amendment).*

No. 16, 1970

required” and by inserting in lieu thereof the words “in or to the effect of the prescribed form and shall be accompanied by the prescribed fee”;

- (ii) by inserting next after the same subsection the following new subsection :—

(2A) The certificate shall be in or to the effect of the prescribed form.

Sec. 43.  
(Rate on  
travelling  
stock.)

- (e) (i) by inserting in subsection four of section forty-three after the words “renewed permit” where firstly occurring the words “in any case where a permit or renewed permit is required by this Act”;
- (ii) by omitting from the same subsection the words “or charge”;

Sec. 47.  
(Reserves  
Improvement  
Fund.)

- (f) by omitting from section forty-seven the words “All moneys” and by inserting in lieu thereof the words “Except where otherwise expressly provided by this Act, all moneys”;

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

- (g) (i) by omitting from subsection one of section forty-nine the words “three cents” and by inserting in lieu thereof the words “four cents”;
- (ii) by inserting next after subsection two of the same section the following new subsection :—

(2A) A travelling charge shall, subject to this section, be payable in respect of a journey for which a renewed permit is issued, notwithstanding that a travelling rate is not payable in respect of the journey.

- (iii) by omitting from subsection five of the same section the words “in addition to travelling rate” and by inserting in lieu thereof the words “, in addition to the travelling rate (if any),”;

(iv)

*Pastures Protection (Amendment).*

- (iv) by inserting next after subsection seven of No. 16, 1970 the same section the following new subsections :—

(7A) A board may recover as a debt in any court of competent jurisdiction from any person whose stock travel without a renewed permit in any case where a renewed permit is required by this Act such amount as would have been payable as a travelling charge upon the issue of a renewed permit for the journey travelled by the stock.

(7B) When stock travel a journey or part of a journey within a district within the Western Division, any travelling charge collected under this section and not remitted, or any amount recovered under subsection (7A) of this section, in respect of the journey or part of the journey, shall be paid into the Public Watering-places Fund of the board for the district.

- (h) (i) by omitting from subsection (2A) of section Sec. 58. fifty-eight the words "section if such stock are (Rate of travel.) travelled such distance or such average distance, as the case may be, as is reasonable in the circumstances" and by inserting in lieu thereof the words "section—

(a) if any agistment fees calculated in a manner prescribed for the purposes of this subsection are paid in the prescribed manner, or are remitted or waived under subsection (2B) of this section; and

(b) if such stock are travelled such distance or such average distance, as the case may be, as is reasonable in the circumstances";

(ii)

*Pastures Protection (Amendment).*

No. 16, 1970

(ii) by inserting next after the same subsection the following new subsection :—

(2B) A board referred to in subsection (2A) of this section may, and shall if so directed in any particular case by the Minister, remit or waive any agistment fees so referred to.

New secs.  
58A, 58B.

(i) by inserting next after section fifty-eight the following new sections :—

Holding  
places.

58A. (1) The board for a district may, by notice published in a newspaper circulating in the district, declare that an enclosure or structure—

- (a) that is on a reserve under the control of the board; and
- (b) that is provided for the purpose of temporarily holding stock during the course of a journey and of preventing them from straying,

is a holding place for the purposes of this Act, and may, by a like notice, declare that the enclosure or structure is no longer a holding place for the purposes of this Act.

(2) In any proceedings, a certificate purporting to be signed by the secretary of a board, and stating that a specified enclosure or structure was or was not, as the case may be, a holding place for the purposes of this Act on a specified day, shall be prima facie evidence of the matters stated therein.

Stock  
halted for  
night.

58B. (1) If—

- (a) in the course of a journey by stock along any road or travelling stock reserve, stock are halted for the night;

(b)

*Pastures Protection (Amendment).*

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- (b) the person in charge of the stock does not No. 16, 1970 place the stock in a holding place; and
- (c) a holding place is situated within one mile of the place where the stock are so halted and that holding place is not already occupied by other stock,

the person in charge shall, unless he had reasonable cause for failing to place the stock in a holding place, be liable to a penalty not exceeding one hundred dollars.

(2) If in the course of a journey by stock along any road or travelling stock reserve, stock are halted for the night otherwise than in a holding place the person in charge of the stock shall place signs in prescribed positions in relation to the stock.

Any person failing to comply with this subsection shall be liable to a penalty not exceeding one hundred dollars.

(3) The signs referred to in subsection two of this section shall be constructed of the prescribed material, contain the prescribed particulars and be of the prescribed shape and size.

(4) This section shall not be construed so as to authorise the movement of stock in contravention of section fifty-three of this Act, and it shall be a defence to a prosecution for an offence arising under subsection one of this section in respect of stock not placed in a holding place that the stock were not so placed in order to avoid a contravention of the said section fifty-three.

(5)

*Pastures Protection (Amendment).*

No. 16, 1970

(5) Subsection one or two of this section or both those subsections shall not operate in such circumstances as are prescribed.

(6) If, for the purpose of avoiding the commission of an offence arising under subsection one of this section, the person in charge of travelling stock causes them to travel a distance less than a distance prescribed by section fifty-eight of this Act as appropriate for the stock and in the circumstances, that person shall not be guilty of an offence arising under section fifty-eight of this Act if the difference between the distance so travelled and the distance so prescribed is less than one mile.

Sec. 94.  
(Alsatian  
dogs to be  
sterilised.)

(j) by inserting next after subsection one of section ninety-four the following new subsection :—

(1A) The provisions of subsection one of this section shall not apply in respect of an Alsatian dog within a prescribed part of a district where the Alsatian dog is kept in such circumstances and subject to such conditions as may be prescribed.

Sec. 158.  
(Notice of  
muster.)

(k) (i) by omitting from subsection one of section one hundred and fifty-eight the words “or twenty head or more of cattle” and by inserting in lieu thereof the words “, twenty head or more of cattle or twenty head or more of horses”;

(ii) by omitting from the same subsection the words “or cattle” wherever occurring and by inserting in lieu thereof the words “, cattle or horses”:

(1)

*Pastures Protection (Amendment).*

- (1) by inserting next after section one hundred and seventy the following new section :—

New sec.  
170A.

170A. (1) The Minister may by instrument in writing delegate to any person specified in the instrument, or to the holder for the time being of any office so specified, the exercise or performance of any of the powers, authorities, duties or functions conferred or imposed upon the Minister by or under this Act or the regulations (other than this power of delegation) and may in like manner revoke wholly or partly any such delegation.

Delegation.

(2) A delegation may be made under this section either generally or for any particular case or class of cases.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any power, authority, duty or function delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Minister may continue **to exercise or perform** all or any of the powers, **authorities, duties or functions** delegated.

(5) Any person when acting within the scope of any delegation made under this section to him shall be deemed to be the Minister.

(m)



*Pastures Protection (Amendment).*

- No. 16, 1970**  
**Sec. 171.**  
(Regulations.)
- (m) by inserting at the end of subsection one of section one hundred and seventy-one the following new paragraph :—
- (q) the duties of a permit officer and the obligations of a person upon the annulment of his appointment as a permit officer.
- Sec. 172.**  
(Western Division.)
- (n) by omitting paragraph (a) of section one hundred and seventy-two.
- (2) The several amendments made by subsection one of this section shall commence upon such day or days as may be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.
- Further amendment of Act No. 35, 1934.**
- 3. (1)** The Pastures Protection Act, 1934, is further amended—
- Sec. 8.**  
(Extraordinary vacancy.)
- (a) (i) by omitting from paragraph (g) of subsection one of section eight the words “of subsection three of section twelve” and by inserting in lieu thereof the words “of subsection one of section 13A”;
- (ii) by omitting from subsection three of the same section the words “An election to fill an extraordinary vacancy in the office of a director shall be carried out and conducted as prescribed, and the voting shall be by post.” and by inserting in lieu thereof the words “An extraordinary vacancy in the office of a director shall, subject to this Act, be filled by the election of a person to the vacancy.”;
- Sec. 10.**  
(Exercise of certain powers before board of new district elected.)
- (b) (i) by omitting subsection one of section ten;
- (ii) by omitting from subsection two of the same section the words “the new district” where firstly occurring and by inserting in lieu thereof the words “a new district”;
- (iii)

*Pastures Protection (Amendment).*

- (iii) by omitting from the same subsection the words "or the chairman" and by inserting in lieu thereof the words ", the chairman or the secretary"; No. 16, 1970
- (c) by omitting subsections four, five, six and seven of section eleven; Sec. 11.  
(Division  
of districts.)
- (d) by inserting next after section eleven the following new sections :— New secs.  
11A, 11B.
- 11A. (1) Subject to this Act, there shall— Rolls.
- (a) during the period that a district is divided into divisions—be a roll for each division, containing the name of each person entitled to be enrolled in respect of a holding that is within the division; or
- (b) during the period that a district is not divided into divisions—be a roll for the district, containing the name of each person entitled to be enrolled in respect of a holding that is within the district.

(2) A roll required under subsection one of this section for a district or a division of the district shall be prepared by the board for the district as soon as practicable after the commencement of the period during which the roll is so required and shall be kept up to date by the secretary of the board.

(3) A person shall not be enrolled or entitled to be enrolled in a roll required under subsection one of this section by reason only of the fact that he was enrolled or entitled to be enrolled in a roll prepared under section ten or eleven of this Act as in force before the day appointed under subsection two of section three of the Pastures Protection (Amendment) Act, 1970.

*Pastures Protection (Amendment).***No. 16, 1970**Entitlement  
to enrol-  
ment.

11B. (1) One person only shall be entitled to be enrolled in respect of one holding at the one time.

(2) Subject to this section, a person shall be entitled to be enrolled for a division or district, as the case may be, in respect of a holding within the division or district, as the case may be, if he is nominated for enrolment upon an enrolment application form furnished to the board in respect of the holding and purporting to be duly completed.

(3) An enrolment application form shall be in or to the effect of the prescribed form.

(4) Subject to this section, a person shall be eligible to be nominated for enrolment for a division or district, as the case may be, upon an enrolment application form furnished to the board for the district in respect of a holding if—

- (a) the holding is within the division or district, as the case may be;
- (b) he is the occupier or one of the occupiers of the holding;
- (c) he has been nominated for enrolment by—
  - (i) himself, if he is the only person who is occupier of the holding by virtue of being entitled to possession of the holding or part thereof;
  - (ii) another person, being the only person who is occupier of the holding by virtue of being so entitled; or
  - (iii) all or a majority of all the persons who are occupiers of the holding by virtue of being so entitled.

and the person or persons who so nominate him sign the enrolment application form as indicated on the form.

(5)

*Pastures Protection (Amendment).*

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(5) Notwithstanding anything in this **No. 16, 1970** section, a person shall not be entitled—

- (a) to be enrolled in respect of a holding that does not consist wholly or partly of ratable land; or
- (b) to be enrolled unless he is a natural person.

(6) Notwithstanding anything in this section, while—

- (a) the only person or persons entitled to possession of a holding in a division of a district, or if the district is not divided into divisions, the district, is or are also the only person or persons entitled to possession of one or more other holdings in the division or district, as the case may be; and
- (b) a person is enrolled in respect of the first-mentioned holding,

no person shall be entitled to be enrolled in respect of any other of those holdings.

(7) Where it comes to the knowledge of the board for a district that two or more duly completed enrolment application forms have been furnished to it—

- (a) in respect of the one holding within a division of the district or, if the district is not divided into divisions, within the district, and that two or more names have been submitted upon those forms for enrolment for the division or district, as the case may be; or
- (b) in respect of two or more holdings within the division or district, as the case may be, and that the one name has been submitted upon those forms for enrolment for the division or district, as the case may be,

**then**

*Pastures Protection (Amendment).*

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No. 16, 1970

then—

- (c) if the board can readily ascertain which one of those forms was last furnished to it—the board shall treat that form as if it were the only one of those forms furnished to it and cause any consequential alterations to be made in the roll for the division or district, as the case may be; or
- (d) if the board cannot readily ascertain which one of those forms was last furnished to it—the board shall treat all of those forms as if they had never been furnished to it and cause any consequential alterations to be made in the roll and shall take reasonable steps to notify each occupier of the holding, in writing, that it has done so.

(8) Where it comes to the knowledge of the board for a district that a person whose name has been submitted for enrolment for a division or district, as the case may be, upon an enrolment application form furnished to it in respect of a holding is not, having regard to the provisions of this Act, entitled to be enrolled for the division or district, as the case may be, and shall take it shall treat the form as if it had never been furnished to it and cause any consequential alterations to be made in the roll for the division or district, as the case may be, in respect of the holding, reasonable steps to notify each occupier of the holding, in writing, that it has done so.

(9) A person who furnishes or joins in furnishing to a board an enrolment application form that purports to be duly completed and that contains any matter that is false or misleading in a material particular shall be liable to a penalty not exceeding one hundred dollars.

(10)

*Pastures Protection (Amendment).*

(10) It shall be a defence to a prosecution No. 16, 1970 for an offence arising under subsection nine of this section if the person charged proves that he did not know that the matter was false or misleading in a material particular at the time when the enrolment application form was furnished.

- (e) by omitting section twelve; Sec. 12.  
(Qualification.)
- (f) by inserting at the end of section thirteen the following new subsections :— Sec. 13.  
(Election of directors.)

(2) Without affecting the generality of subsection one of this section—

(a) the regulations shall, in respect of an election under this Part, provide—

(i) for the appointment of the closing day for nominations of candidates; and

(ii) where, at the closing day so appointed for nominations of candidates, the number of persons duly nominated exceeds the number of vacancies to be filled—for the appointment of the closing day for the furnishing of duly completed enrolment application forms; and

(b) the regulations may, in respect of an election under this Part—

(i) specify days none of which shall be appointed as the closing day for nominations of candidates; and

(ii) specify days none of which shall be appointed as the closing day for the furnishing of duly completed enrolment application forms.

(3)

*Pastures Protection (Amendment).*

No. 16, 1970

(3) The regulations made for the purposes of this section may be made to differ according to whether the election is a general election or an election to fill an extraordinary vacancy in the office of a director.

New secs.  
13A, 13B,  
13C.

(g) by inserting next after section thirteen the following new sections :—

Qualifica-  
tions for  
election.

13A. (1) A person shall be qualified for election as a director for a division of a district or, if the district is not divided into divisions, for the district, if, on the closing day for nominations of candidates for the election—

- (a) he is resident in the district;
- (b) he is the occupier, or one of the occupiers, of a holding which consists wholly or partly of ratable land within the division or, if the district is not divided into divisions, within the district;
- (c) the return (if any) required under section thirty-nine of this Act to be furnished in respect of that holding as at the thirty-first day of December immediately preceding the closing day for nominations of candidates for the election has been furnished; and
- (d) he is not otherwise ineligible.

(2) Where a district is divided into divisions a person may be nominated for one division only.

Qualifica-  
tions to  
vote.

13B. A person shall be entitled to vote at an election for a director or directors for a division of a district or, if the district is not divided into divisions, for the district if, immediately after the closing day for furnishing enrolment application forms—

- (a) he is enrolled for the division or district, as the case may be;

(b)

*Pastures Protection (Amendment).*

- (b) he is the occupier, or one of the occupiers, **No. 16, 1970** of the holding in respect of which he was so enrolled;
- (c) the holding consists wholly or partly of ratable land;
- (d) the return (if any) required under section thirty-nine of this Act to be furnished in respect of that holding as at the thirty-first day of December immediately preceding the election has been furnished; and
- (e) he retains at the date of the election his entitlement to be enrolled.

13C. For the purposes of sections 11A, 11B, 13A and 13B of this Act—

Definition  
of holding  
for sections  
11A, 11B,  
13A and  
13B.

- (a) where any holding is situate partly in two or more districts it shall be deemed to be wholly situate within the district in which the greater part lies; or
- (b) where any holding is situate partly in two or more divisions it shall be deemed to be wholly situate within the division in which the greater part lies,

and if the parts are equal the part upon which the main residence is shall, for the purposes of this subsection, be deemed the greater part.

(2) The amendments made by subsection one of this section shall commence upon a day to be appointed by the Governor in that behalf and notified by proclamation published in the Gazette, which day is in this section referred to as “the appointed day”.

(3) Notwithstanding the provisions of subsection two of this section, persons holding office as directors after the appointed day shall hold office in all respects as if the amendments made by subsection one of this section had not been made.

(4)



*Pastures Protection (Amendment).*

No. 16, 1970 (4) Notwithstanding the provisions of subsection two of this section, where an election to fill an extraordinary vacancy in the office of a director is to be held on or after the appointed day, the election shall be conducted, and persons shall be entitled to be enrolled in the relevant roll in existence before that day and to vote and be elected at the election, in the same manner as if the amendments made by subsection one of this section had not been made.

(5) The provisions of—

- (a) subsection three of this section shall cease to have any operation in respect of a district on the day on which the directors elected for the district at the first general election of directors held after the appointed day take office; and
- (b) subsection four of this section shall cease to have any operation in respect of a district when the first general election of directors for the district is held after the appointed day.

Further amendment of Act No. 35, 1934. 4. (1) The Pastures Protection Act, 1934, is further amended—

Sec. 30. (Amount of rate.) (a) by omitting from subsection five of section thirty the words “twenty cents” wherever occurring and by inserting in lieu thereof the words “one dollar”;

Sec. 31. (Ratable land.) (b) (i) by omitting from subsection one of section thirty-one the words “one hundred” wherever occurring and by inserting in lieu thereof the word “fifty”;

(ii) by omitting from the same subsection the word “ten” wherever occurring and by inserting in lieu thereof the word “five”;

(iii)

*Pastures Protection (Amendment).*

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- (iii) by omitting from subsection two of the same section the word "ten" where firstly occurring and by inserting in lieu thereof the word "five"; No. 16, 1970
- (iv) by omitting from the same subsection the words "one hundred" and by inserting in lieu thereof the word "fifty";
- (c) by omitting from subsection five of section 32A the words "twenty cents" wherever occurring and by inserting in lieu thereof the words "one dollar"; Sec. 32A.  
(Amount of special rate for pigs.)
- (d) (i) by omitting subsection two of section ninety-one; Sec. 91.  
(Special rate.)
- (ii) by inserting in subsection three of the same section after the word "Act" the words "(other than any specific provisions relating to any special rate for pigs)";
- (iii) by omitting subsection five of the same section ,
- (e) by omitting from subsection three of section one hundred and three the words "five-twelfths of"; Sec. 103.  
(Provision for expenditure.)
- (f) by omitting from subsection two of section one hundred and four the words "five-twelfths of". Sec. 104.  
(Special rate.)
- (2) The amendments made by subsection one of this section (paragraph (b) excepted) shall commence upon the first day of January, one thousand nine hundred and seventy-one.
- (3) The amendments made by paragraph (b) of subsection one of this section shall commence upon the thirty-first day of December, one thousand nine hundred and seventy.
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