

PASTURES PROTECTION (AMENDMENT) ACT,  
1979, No. 120

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

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Act No. 120, 1979.

An Act to amend the Pastures Protection Act, 1934, to provide a retiring age of 70 years for directors of pastures protection boards, to enable certain boards to transfer annually a prescribed percentage of public watering-place rentals from their public watering-places funds to their pastures protection funds, and for certain other purposes. [Assented to, 19th October, 1979.]

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*Pastures Protection (Amendment).*

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**BE** 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 :—

1. This Act may be cited as the "Pastures Protection (Amendment) Act, 1979". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

(2) Section 3, in its application to Schedule 1 (3) (a) and (8), and Schedule 1 (3) (a) and (8) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Pastures Protection Act, 1934, is amended in the manner set forth in Schedule 1. Amendment of Act No. 35, 1934.

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SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934.

(1) Section 4, definition of "Western Lands Acts"—

Omit "of 1901", insert instead ", 1901".

(2) (a) Section 6 (6)—

After "Where", insert "no directors are elected or less than 8 directors are elected or".

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*Pastures Protection (Amendment).*


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SCHEDULE 1—*continued.*
 AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934  
 —*continued.*

## (b) Section 6 (6)—

Omit “eligible to be elected”, insert instead “qualified to be appointed”.

## (c) Section 6 (6A)—

Omit “re-election”, insert instead “election or appointment to further office as a director”.

## (d) Section 6 (7)—

Omit “The first meeting of a board shall be held within one month or within such longer period as the Minister may approve after the election of directors.”, insert instead :—

The first meeting of a board shall be held—

- (a) where all 8 directors of the board are elected at 1 election—within 1 month, or such longer period as the Minister may approve, after that election; or
- (b) in any other case—on or before such date as the Minister may determine.

## (3) (a) Section 8 (1) (g), (h)—

Omit section 8 (1) (g), insert instead :—

- (g) ceases to hold the qualification specified in section 13A (1) (a) or (b); or
- (h) attains the age of 70 years.

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934  
—*continued.*

(b) Section 8 (2)—

Omit “re-election”, insert instead “election or appointment to further office as a director”.

(c) Section 8 (4), (5)—

Omit the subsections, insert instead :—

(4) Where no director is elected to fill an extraordinary vacancy or no proper election to fill the vacancy takes place within 2 months after the occurrence of the vacancy, the Minister may appoint a person qualified to be appointed to fill the vacancy.

(5) A person elected or appointed to fill an extraordinary vacancy shall hold office until the time when his predecessor’s term of office would have expired and no longer, but shall be eligible for election or appointment to further office as a director if otherwise qualified.

(4) (a) Section 8A (1)—

Omit “eligible to be elected”, insert instead “qualified to be appointed”.

(b) Section 8A (3)—

After “such election” where secondly occurring, insert “or appointed by the Minister to an office from which any director has been removed”.

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934  
—*continued.*

## (c) Section 8A (3)—

Omit “re-election”, insert instead “election or appointment to further office as a director”.

## (d) Section 8A (5)—

Omit the subsection, insert instead :—

(5) Where the directors of a board have been removed from office because of the board’s failure or neglect as referred to in subsection (1) (b), each director of the board is ineligible—

## (a) for election—

(i) where a general election is ordered under subsection (3)—at that general election; or

(ii) where no general election is so ordered—at the next general election following the removal of the directors from office; or

(b) for appointment to a vacancy caused by the removal from office and which is not filled at a general election referred to in paragraph (a) (i) or (ii),

unless the failure or neglect took place without his knowledge or consent.

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934  
—*continued.*

(5) Section 10 (2)—

Omit the subsection, insert instead :—

(2) Pending the due constitution, in accordance with this Part, of a board for a new district, the Governor may authorise a person or persons to exercise, within the new district, such powers of the board, the chairman or the secretary as may be necessary or convenient to be exercised prior to the constitution of the board.

(6) (a) Section 11 (1)—

After “election” where firstly occurring, insert “or appointment”.

(b) Section 11 (3)—

After “elected”, insert “or appointed”.

(7) Section 12A (b)—

After “election”, insert “or appointment”.

(8) Section 13A (1)—

Omit the subsection, insert instead :—

(1) A person is qualified for election or appointment as a director for a division of a district or, if the district is not divided into divisions, for the district, if, in the

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934  
—*continued.*

case of an election, on the closing day for nominations of candidates for the election or, in the case of an appointment, on the day on which the appointment takes effect—

- (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 39 to be furnished in respect of that holding as at 31st December immediately preceding, in the case of an election, the closing day for nominations of candidates for the election, or, in the case of an appointment, the day on which the appointment takes effect, has been furnished;
- (d) he is under the age of 70 years and—
  - (i) in the case of a general election, he will not attain that age on or before 1st October in the year in which the election is held; or
  - (ii) in the case of an election other than a general election, he will not attain that age within 1 month after the date appointed or approved by the Minister for the holding of the election; and
- (e) he is not otherwise ineligible for election or appointment.

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934  
—*continued.*

(9) Section 14A (a)—

After “implement”, insert “, article, material”.

(10) Section 19A (5)—

After “election”, insert “or appointment”.

(11) Section 78 (2A)—

Omit the subsection, insert instead :—

(2A) A board may, in respect of each year, transfer from the Public Watering-places Fund of the board to the Pastures Protection Fund of the board an amount not exceeding the prescribed percentage of rents paid in that year into the Public Watering-places Fund of the board pursuant to leases of public watering-places.

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