

**PASTURES PROTECTION (AMENDMENT) ACT,
1981, No. 52**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 52, 1981.

An Act to amend the Pastures Protection Act, 1934, in relation to the keeping of electoral rolls for the election of members of pastures protection boards, the costs of administering the Act, the payment of rates, the making of land and stock returns, to increase penalties and for certain other purposes. [Assented to, 21st May, 1981.]

Pastures Protection (Amendment).

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:—

Short title.

1. This Act may be cited as the "Pastures Protection (Amendment) Act, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(6), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–8, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 2 (2) and (3) shall commence or be deemed to have commenced, as the case may require, on 1st July, 1981.

(4) The provisions of Schedules 3 and 8 (2) and (3) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(5) The provisions of Schedule 6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(6) The provisions of Schedule 7 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.

Pastures Protection (Amendment).

Principal Act.

3. The Pastures Protection Act, 1934, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENT TO THE PRINCIPAL ACT RELATING TO ROLL OF ELECTORS FOR BOARDS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADMINISTRATION COSTS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO WILD DOGS.

SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO GOATS.

SCHEDULE 7.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION OF BRANDS AND EARMARKS.

SCHEDULE 8.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 9.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Amendment of Act No. 35, 1934.

5. The Principal Act is amended in the manner set forth in Schedules 1–8.

Pastures Protection (Amendment).

Savings, transitional and other provisions.

6. Schedule 9 has effect.
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SCHEDULE 1.

(Sec. 5.)

AMENDMENT TO THE PRINCIPAL ACT RELATING TO ROLL OF
ELECTORS FOR BOARDS.

Section 11B (4A)–(4C)—

After section 11B (4), insert:—

(4A) Where it comes to the knowledge of the board for a district that the person enrolled in respect of a holding in the district has ceased to be the occupier or an occupier of the holding and that another person has become the occupier, or other persons have become the occupiers, of the holding, the board may cause to be enrolled in respect of the holding such person as the board determines would, were an application for enrolment to be then furnished to it in respect of the holding, be entitled to be so enrolled.

(4B) Without limiting subsection (4A), where an enrolment application in respect of a holding in a district has not been furnished to the board for a period of 12 months, the board may thereupon cause to be enrolled in respect of the holding such person as the board determines would, were an application for enrolment to be then furnished to it in respect of the holding, be entitled to be so enrolled.

(4C) Where, pursuant to subsection (4A) or (4B), a person is enrolled in respect of a holding and there is subsequently furnished to the board an enrolment application form nominating another person for enrolment in respect of the holding, the person nominated for enrolment in that form shall, if eligible to be so nominated, be enrolled in respect of the holding.

Pastures Protection (Amendment).

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADMINISTRATION
COSTS.

(1) (a) Section 20—

Omit “The”, insert instead “Except as provided in subsections (2) and (3), the”.

(b) Section 20 (2), (3)—

At the end of section 20, insert:—

(2) The payment to be made by a board under this section in respect of the year ending—

(a) 31st December, 1980, shall be 2 per cent of its gross revenue; and

(b) 31st December, 1981, shall be 1 per cent of its gross revenue.

(3) No payment under this section shall be required to be made in respect of the year commencing 1st January, 1982, or any year thereafter.

(2) Section 21—

Omit:—

The Crown shall contribute one half of the cost of insurance under the Workers’ Compensation Act, 1926, in respect of each inspector.

The Crown shall contribute to each board a sum equal to one half of so much of any premium or contribution paid by the board under the Local Government and Other Authorities (Superannuation) Act, 1927, as is not recoverable under that Act from the veterinary inspector in respect of whom it was so paid.

(3) Section 24 (2A)—

Omit the subsection.

Pastures Protection (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADMINISTRATION
COSTS—*continued.*

(4) Section 103 (3)—

Omit the subsection.

(5) Section 104 (2)—

Omit the subsection.

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES.

(1) (a) Section 25 (1A)—

After section 25 (1), insert:—

(1A) A board may in each year fix a **minimum amount of rates to be paid by an occupier of ratable lands in the district.**

(b) Section 25 (2)—

After “made”, insert “, and any minimum amount of rates shall be fixed,”.

(2) Section 25A (1A)—

After section 25A (1), insert:—

(1A) A board may in each year fix a **minimum amount of special rates to be paid by an occupier of land referred to in subsection (1).**

Pastures Protection (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—*continued.*

(3) (a) Section 30 (1)—

Omit “the thirty-first day of December”, insert instead “30th June”.

(b) Section 30 (5)—

Omit “five dollars” where firstly occurring, insert instead “the minimum amount of rates, if any, fixed by the board”.

(c) Section 30 (5)—

Omit “shall be five dollars”, insert instead “by that board shall be that minimum amount”.

(4) Section 31 (1) (a), (3) (a)—

Omit “the thirty-first day of December” wherever occurring, insert instead “30th June”.

(5) (a) Section 32A (1), (2)—

Omit “the thirty-first day of December” wherever occurring, insert instead “30th June”.

(b) Section 32A (2)—

Omit “the said thirty-first day of December”, insert instead “30th June immediately preceding that year”.

(c) Section 32A (5)—

Omit “five dollars” where firstly occurring, insert instead “the minimum amount of special rates, if any, fixed by the board under section 25A (1A)”.

Pastures Protection (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—*continued.*

(d) Section 32A (5)—

Omit “shall be five dollars”, insert instead “by that board shall be that minimum amount”.

(6) Section 39 (1)—

Omit “the thirty-first day of December in the year immediately preceding the making of the return”, insert instead “30th June in that year”.

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES.

- (1) Sections 11B (9), 28A (2), 48A (2), 51, 54, 55, 58B (1) and (2), 59, 60 (3), 66 (1), 73, 74, 77, 84 (2), 87 (2), 94 (1), 116, 143 (2), 157B (1), 158 (2), 159, 164, 171 (2)—

Omit “one hundred dollars” wherever occurring, insert instead “\$500”.

- (2) Sections 39 (2), 39A (2), 48 (8), 49 (9), 53 (1), 56, 57 (2), 58 (2), 157A (2), 162, 163 (1)—

Omit “one hundred dollars” wherever occurring, insert instead “\$1,000”.

- (3) Section 61—

Omit “twenty dollars”, insert instead “\$500”.

Pastures Protection (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES—
continued.

(4) Section 66B—

Omit “forty dollars”, insert instead “\$500”.

(5) Section 76—

Omit “two hundred dollars or to be imprisoned for any term not exceeding six months”, insert instead “\$2,000”.

(6) Section 81—

Omit “for the first offence to a penalty not exceeding two hundred dollars and for any subsequent offence to a penalty not exceeding four hundred dollars”, insert instead “to a penalty not exceeding \$2,000”.

(7) Section 82 (3)—

Omit “for the first offence to a penalty not exceeding two hundred dollars, and for any subsequent offence to a penalty not exceeding four hundred dollars”, insert instead “to a penalty not exceeding \$2,000”.

(8) Section 87 (1)—

Omit “of not less than one hundred dollars and not exceeding five hundred dollars”, insert instead “not exceeding \$1,000”.

(9) Sections 90, 100 (2)—

Omit “two hundred dollars” wherever occurring, insert instead “\$500”.

Pastures Protection (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES—
continued.

(10) Section 143 (1)—

Omit “one hundred dollars, and in addition shall be liable to the cost of repairing the fence”, insert instead “\$500”.

(11) Sections 157 (1) and (3), 160A (1), 163 (2)—

Omit “two hundred dollars” wherever occurring, insert instead “\$2,000”.

SCHEDULE 5.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO WILD DOGS.

(1) Long title and sections 96 (1), 97, 97A, 98, 99, 100, 101 (1), 102, 103, 104, 106, 107, 169 (2)—

Omit “dingo destruction” wherever occurring, insert instead “wild dog control”.

(2) (a) Section 2—

From the matter relating to Part VI, omit “108” wherever occurring, insert instead “107”.

(b) Section 2—

From the matter relating to Division 3 of Part VI, omit “*Dingo destruction*”, insert instead “*Wild dog control*”.

(3) (a) Section 4, definition of “Native dog”—

Omit the definition.

Pastures Protection (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO WILD
DOGS—*continued.*

(b) Section 4, definition of “Wild dog”—

After the definition of “Western Lands Commissioner”, insert:—

“Wild dog” means any native dog or any other dog whatever
which is, or has become, wild.

(4) Section 79 (1)—

Omit “native dog”, insert instead “wild dog”.

(5) Sections 88 (1), 89, 99, 100, 101 (1), 107—

Omit “native dogs” wherever occurring, insert instead “wild dogs”.

(6) Part VI, Division 3, heading—

Omit “*Dingo destruction*”, insert instead “*Wild dog control*”.

(7) Section 105—

Omit the section.

(8) Section 108—

Omit the section.

Pastures Protection (Amendment).

SCHEDULE 6.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO GOATS.

(1) Long title—

After “matters;” where firstly occurring, insert “to provide for the branding and earmarking of goats;”.

(2) Section 2—

In the matter relating to Part VIII, after “SHEEP”, insert “AND GOATS”.

(3) (a) Section 4, definitions of “Brand” and “Earmark”—

After “sheep” wherever occurring, insert “or goat”.

(b) Section 4, definition of “Goat”—

After the definition of “Fire brand”, insert:—

“Goat” includes buck, doe, wether and kid, but does not include a feral goat not used for commercial production.

(c) Section 4, definition of “Stock”—

Omit “and sheep”, insert instead “, sheep and goats”.

(4) (a) Section 31 (1)—

Omit “fifty sheep or five large stock” wherever occurring, insert instead “50 sheep, 50 goats or 5 large stock”.

(b) Section 31 (2)—

Omit the subsection, insert instead:—

(2) Where there were on any land on the 30th June preceding the year for which a rate is made—

(a) large stock and sheep;

Pastures Protection (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO GOATS—*continued.*

- (b) large stock and goats;
- (c) sheep and goats; or
- (d) large stock, sheep and goats,

but the number of large stock (if any) was less than 5, the number of sheep (if any) was less than 50 and the number of goats (if any) was less than 50, the board may, for the purpose of ascertaining whether the occupier of the land is ratable and of calculating the rate payable in respect of the land, reckon one head of large stock as equal to 10 sheep or goats, 10 sheep or goats as equal to one head of large stock, one sheep as equal to one goat and one goat as equal to one sheep.

(5) Section 41 (3B)—

Omit “, pigs or goats”, insert instead “or pigs”.

(6) Section 48 (2)—

Omit “sheep or large” wherever occurring.

(7) Section 49 (1)—

After “sheep”, insert “, hundred goats”.

(8) (a) Section 58 (1) (b)—

After “sheep,”, insert “goats”.

(b) Section 58 (2)—

Omit “sheep and of” wherever occurring, insert instead “sheep, goats or”.

Pastures Protection (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO GOATS—*continued.*

- (9) Sections 59, 60 (1), 125 (4), 154, 157 (1) (c) and (3)—
After “sheep” wherever occurring, insert “or goats”.
- (10) (a) Section 66 (1)—
Omit “or goats”, wherever occurring.
- (b) Section 66 (1) (c), (d)—
Omit “, pigs,” wherever occurring, insert instead “or pigs”.
- (c) Section 66 (1) (d1)—
Omit “, pigs”, insert instead “or pigs”.
- (11) Section 126 (1) (a)—
Omit “or goats”.
- (12) Part VIII, heading—
After “SHEEP”, insert “AND GOATS”.
- (13) Sections 144 (1), 155 (4) and (5)—
After “sheep” wherever occurring, insert “and goats”.
- (14) (a) Section 145 (1)—
After “sheep” where firstly occurring, insert “or goats”.
- (b) Section 145 (1)—
After “sheep” where secondly occurring, insert “or goat”.

Pastures Protection (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO GOATS—*continued.*

- (15) Sections 145 (2), 155 (1) and (3), 157 (1) (a), (b), (d), (e), (f), (g), (h) and (2), 157B—

After “sheep” wherever occurring, insert “or goat”.

- (16) (a) Section 147—

After “sheep brand or earmark”, insert “or goat brand or earmark”.

- (b) Section 147—

Omit “a brand” where firstly occurring, insert instead “any such brand”.

- (17) Section 157 (1) (i)—

After “sheep-skins”, insert “or goat-skins”.

- (18) (a) Section 157A (1) (a), (b)—

Omit “or sheep skin” wherever occurring, insert instead “, goat, sheep-skin or goat-skin”.

- (b) Section 157A (1) (a)—

Omit “or sheep skins”, insert instead “, goats, sheep-skins or goat-skins”.

- (c) Section 157A (1) (c)—

Omit “sheep skin”, insert instead “goat, sheep-skin or goat-skin”.

- (d) Section 157A (2)—

Omit “or sheep skin”, insert instead “goat, sheep-skin or goat-skin”.

Pastures Protection (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO GOATS—*continued.*

(19) (a) Section 158 (1)—

After “sheep” where firstly and thirdly occurring, insert “or goats”.

(b) Section 158 (1)—

After “sheep,” where secondly and thirdly occurring, insert “goats,”.

(20) Section 163 (1)—

Omit “pigs, large stock or sheep”, insert instead “stock or pigs”.

SCHEDULE 7.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION OF
BRANDS AND EARMARKS.

(1) Section 4, definition of “Registrar of Brands”—

Omit the definition.

(2) Section 147—

Omit the section, insert instead:—

Secretary to decide application.

147. The secretary of the board to which an application for the registration of a brand or earmark or the transfer of the registration of a brand or earmark is made shall decide whether the brand, earmark or transfer, as the case may require, shall be registered.

Pastures Protection (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION OF
BRANDS AND EARMARKS—*continued.*

(3) (a) Section 148 (1)—

Omit “Registrar of Brands”, insert instead “secretary of the board to which application for registration is made”.

(b) Section 148 (2)—

Omit the subsection, insert instead:—

(2) The secretary of a board may require the occupier of any holding in the district in respect of which a brand or earmark is registered to adopt any modification of the brand or earmark where the secretary considers the modification necessary to avoid confusion with any other registered brand or earmark.

(4) Section 149—

Omit “Registrar of Brands”, insert instead “secretary of the board responsible for the registration or modification of the brand or earmark”.

(5) (a) Section 150 (1)—

Omit the subsection, insert instead:—

(1) Each secretary of a board shall, in the prescribed manner, keep a register of brands and earmarks registered for use in the district.

(b) Section 150 (3)—

Omit “Registrar of Brands”, insert instead “secretary of the board for a district”.

(c) Section 150 (3)—

After “registered”, insert “for use in the district”.

Pastures Protection (Amendment).

SCHEDULE 7—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION OF
BRANDS AND EARMARKS—*continued.*

(6) Section 151—

Omit “Registrar of Brands”, insert instead “secretary of the board”.

(7) (a) Section 152 (3)—

Omit “paid within that period the registration of the brand and earmark may be cancelled by the Registrar of Brands”, insert instead “is not paid within that period the registration of the brand and earmark may be cancelled by the secretary of the board responsible for registration of the brand or earmark”.

(b) Section 152 (4)—

After “brand”, insert “or earmark”.

(c) Section 152 (4)—

Omit “Registrar of Brands”, insert instead “secretary of the board responsible for registration of the brand or earmark”.

(8) Section 153—

Omit the section.

(9) Section 157 (1) (f)—

Omit “Registrar of Brands”, insert instead “secretary of the board responsible for registration of the brand”.

Pastures Protection (Amendment).

SCHEDULE 7—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO REGISTRATION OF
BRANDS AND EARMARKS—*continued.*

- (10) Section 171 (1) (n)—
Omit “the Registrar of Brands”, insert instead “secretaries of boards
in relation to brands and earmarks”.

SCHEDULE 8.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 4, definition of “Large stock”—
Omit “, cattle, and camels”, insert instead “and cattle”.
- (b) Section 4, definition of “Stock”—
Omit “, sheep, and camels”, insert instead “and sheep”.
- (2) Section 13A (1) (c)—
Omit “31st December”, insert instead “30th June”.
- (3) Section 13B (d)—
Omit “thirty-first day of December”, insert instead “30th June”.
- (4) Section 61—
Omit “or bury the same”, insert instead “, bury the carcass or dispose
of the carcass in such manner as may be approved by a person
authorised for the purposes of this section by the board for the district
in which the stock dies”.

Pastures Protection (Amendment).

SCHEDULE 8—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 171 (2A)—

Omit the subsection, insert instead:—

(2A) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

SCHEDULE 9.

(Sec. 6.)

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Payments to Treasurer.

1. Where the amount of any payment made by a board to the Treasurer pursuant to section 20 of the Principal Act in respect of the year ending 31st December, 1980, is more than the amount required to be so paid pursuant to that section, as amended by this Act, the Treasurer shall refund to the board an amount equal to the difference between those amounts.

Pastures Protection (Amendment).

SCHEDULE 9—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Liability of Crown.**

2. Nothing in this Act affects the liability of the Crown to contribute, in accordance with section 21 or 24 (2A) of the Principal Act, as in force immediately before the date of assent to this Act, in respect of costs referred to in that section or subsection, as the case may be, as so in force, and incurred before 1st July, 1981.

Rating and returns.

3. (1) Where Schedule 3 (6) commences, in any year, on or before the date prescribed for the purposes of section 39 (1) of the Principal Act, as in force immediately before the commencement of Schedule 3 (6), that section of the Principal Act shall apply to and in respect of the furnishing of returns not later than that date in that year as if this Act had not been enacted.

(2) Where the regulations made under the Principal Act exempt occupiers of land and owners of stock from having to furnish, under section 39 of that Act, returns in respect of land and stock as at the 30th June in the year in which Schedule 3 (6) commences, those regulations may make provision for or with respect to the use by a board, for the purpose of calculating any rates or special rates under that Act in respect of the year following the year in which Schedule 3 (6) commences, of the returns furnished to it in respect of that land or stock as at the 31st December preceding that 30th June.

Wild dog control districts.

4. A reference to a dingo destruction district in a proclamation in force, under section 96 of the Principal Act, immediately before the date of assent to this Act, not being a proclamation revoking any proclamation under that section before that date, shall, on and from the date of assent to this Act, be read and construed as if it were a reference to a wild dog control district.

Wild dog control boards.

5. A reference to a dingo destruction board in an instrument of appointment, executed before the date of assent to this Act, of a person as a member of a dingo destruction board shall, where the term of office of the member had not, before that date, expired, be read and construed as if it were a reference to a wild dog control board.

Pastures Protection (Amendment).

SCHEDULE 9—continued.**SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—continued.****Registered brands and earmarks.**

6. A brand or earmark registered or deemed to be registered under the Principal Act, as in force immediately before the commencement of Schedule 7, shall, on and from the commencement of that Schedule, but subject to the Principal Act, as amended by this Act, be deemed to be registered under the Principal Act, as so amended.
