

**PASTURES PROTECTION (RATES) AMENDMENT BILL  
1985**

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**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:

Meat Industry (Amendment) Bill 1985;

Noxious Insects (Amendment) Bill 1985;

Local Government (Pastures Protection) Amendment Bill 1985;

Prickly-pear (Amendment) Bill 1985.

The object of this Bill is to amend the Pastures Protection Act 1934 to establish a new rating system under that Act and for other purposes.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day or days to be appointed by the Governor-in-Council.

Clause 3 defines the Principal Act.

Clause 4 lists the Schedules to the proposed Act.

Clause 5 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

Clause 6 is a formal provision that gives effect to the Schedule of savings and transitional provisions.

**SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES**

Schedule 1 (1) inserts into the Principal Act definitions related to the new system of rates. These include definitions of "Animal health rate", "General rate", "Ratable land", "Rate" and "Year". "Ratable land" is defined as land that has an area not less than the area prescribed for a pastures protection district in which the land is situated or as land that has a carrying capacity of not less than 50 stock unit equivalents.

Schedule 1 (2) enables refunds of sureties to be paid from the Pastures Protection Fund established under the Principal Act.

Schedule 1 (3) inserts into the Principal Act a new Part III containing the following provisions relating to rates:

### PART III—RATES

#### DIVISION 1—*Levying of rates*

- (a) Proposed section 25 (General and animal health rates) provides for the making and levying by pastures protection boards of general and animal health rates, including the fixing of a minimum total amount payable. The general rate is payable by all occupiers of ratable land. In addition, the animal health rate is payable by occupiers of land on which there were, on 30 June of the last preceding year, not less than 50 stock unit equivalents. The rates are to be made by resolution of a board and levied by service of a rate notice issued within the prescribed time after the making of the rate.
- (b) Proposed section 26 (Amount of general and animal health rates) provides that the amount of a general or an animal health rate is to be calculated in accordance with the carrying capacity of the ratable land concerned. Where ratable land has no carrying capacity, the minimum total amount of rates payable will be payable. The minimum total amount will also be payable where the total of the general rate and animal health rate or rates, if any, calculated in accordance with the proposed section would otherwise be less than the minimum total amount.
- (c) Proposed section 27 (Assessment of carrying capacity) sets out provisions relating to the assessment of the carrying capacity of land. The method of assessing stock unit equivalents is also set out. A reference to the carrying capacity of land is defined as a reference to the number of stock unit equivalents which could be depastured or maintained on the land in an average season under management practices considered by the board to be usual for the district. Some matters to be considered or not to be considered by a pastures protection board in assessing carrying capacity are also set out. An assessment of the carrying capacity of land is to be made at least every 5 years.
- (d) Proposed section 28 (Intensive animal production—special provisions) contains special provisions relating to the rating and assessment of land used for feedlots and intensive piggeries. Feedlots and intensive piggeries are defined as areas of land that are, or are within, ratable land and are determined to be such by a pastures protection board for the purposes of the proposed section. An occupier of an area of land determined to be a feedlot or an intensive piggery will be liable for an animal health rate in respect of the feedlot or intensive piggery. The area of such land will not be considered when a board is calculating whether a general or animal health rate is payable or the amount of a rate payable in respect of the remainder of the holding. The proposed section also sets out matters to be considered by a board in assessing the carrying capacity of a feedlot or an intensive piggery.

- (e) Proposed section 29 (Returns of land and stock) provides for the furnishing to the secretaries of pastures protection boards of annual returns of land and stock by occupiers of land and owners of stock situated in the relevant board's district. A person who fails to furnish such a return on or before the prescribed date will be guilty of an offence and liable to a penalty not exceeding \$1,000. Failure to furnish a return will also enable a board to levy both the general and the animal health rates, notwithstanding any other provision of the Principal Act. Liability for such rates is not affected by failure to issue a rate notice within the year in which the rate is made.
- (f) Proposed section 30 (Sureties payable by certain holders of Crown land) provides for the payment of sureties by holders from the Crown of leases or licenses for a term not exceeding 3 years (a "short tenure"). It will be an offence for a person to take a short tenure of land unless the person has lodged a surety in such an amount and form as the relevant pastures protection board considers appropriate. The surety may be equal to the total amount of the rates which were or would have been payable in respect of the land if the land had not been Crown land in the last preceding rating year. At the end of the term of the short tenure of land the amount of the surety is to be refunded to the person who lodged it after deduction of any rates, charges, etc., owing to the board. The whole of the surety will be forfeited where it is less than the amount owing to the board.
- (g) Proposed section 31 (Irregularity) enables the Minister to authorise a pastures protection board to do any necessary acts to cure an irregularity in the making or levying of a rate.

#### DIVISION 2—*Liability for rates*

- (h) Proposed section 32 (Liability—generally) establishes the primary liability of an occupier for payment of rates. It also sets out the liability of joint occupiers of land and provides that an owner of land shall be liable for payment of rates after the expiration of 12 months after the date on which the rates became due and payable to a pastures protection board. An owner who pays rates may recover them from the occupier of the land.
- (i) Proposed section 33 (Liability where an estate or interest is transferred) provides that a person who ceases to be an occupier or owner of ratable land shall continue to be liable for rates levied before the person ceased to be an occupier or owner or before the relevant pastures protection board receives notice of the person so ceasing. It also sets out the liability for rates as between new and former occupiers and owners.
- (j) Proposed section 34 (Notice of changes in occupancy or ownership of ratable land) requires a person to give notice to a pastures protection board of ceasing to be or becoming the occupier or owner of ratable land. It makes it an offence to fail to comply with the requirement and imposes a penalty not exceeding \$500.

- (k) Proposed section 35 (Liability of person becoming occupier or owner) makes a new occupier or owner liable for payment of all rates and arrears of rates owing to a pastures protection board. The proposed section does not apply to new holders of Crown land. The proposed section also provides for application to a pastures protection board for and the issue and use of a certificate as to the amount owed to a board. An owner or occupier who pays any rate which accrued during a previous occupancy or ownership may recover that rate from the previous occupier or owner, as the case may be.
- (l) Proposed section 36 (Appeal against assessment of carrying capacity) provides for an appeal by an occupier or owner of land against an assessment by a pastures protection board of the carrying capacity of the land. An appeal for review must firstly be made to the board and then, only after payment of rates, to the local land board. The decision of the local land board is final.

#### DIVISION 3—*Recovery of rates*

- (m) Proposed section 37 (Facilitation of recovery) prevents objection being taken to the validity of a rate during proceedings for recovery of the rate. It also provides for the manner for proceedings for objection to the validity of a rate to be prescribed.
- (n) Proposed section 38 (Overdue rates—extra charges) provides for interest to be charged after 60 days on unpaid rates and for that interest to be deemed to be part of the rates.
- (o) Proposed section 39 (Recovery of rates) enables the recovery of all rates payable by the same person in respect of occupation or ownership of the same or different land to be recovered in the one action and also sets out the Local Court in which such proceedings may be taken.

#### DIVISION 4—*Sale of land for overdue rates*

- (p) Proposed section 39A (Sale of land for overdue rates) gives a pastures protection board the same powers, authorities, duties and functions as are conferred or imposed on a council by sections 602–613 of the Local Government Act 1919. The effect of the proposed section is to enable a pastures protection board to sell land in respect of which a rate is still payable after 5 years from the date on which the rate became due and payable.
- (q) Proposed section 39B (Application of purchase money) sets out the manner in which money received for the sale of land for overdue rates is to be applied. It is to be applied to pay the pastures protection board's expenses on the sale and then for any rate or charge due in respect of the land. If the money will not cover all rates and charges owed it is to be apportioned among the amounts owed. Payment of the money is to be treated as satisfaction for the whole debt notwithstanding that the amount received is insufficient to pay the debt.

DIVISION 5—*Miscellaneous*

- (r) Proposed section 40 (Rebate of general rates) gives a pastures protection board power to grant a rebate of up to half the general rate to or in respect of reasonably rabbit free holdings with a rabbit-proof fence on external boundaries or holdings within rabbit eradication areas which have been kept reasonably rabbit free by means of approved measures taken by the occupiers.
- (s) Proposed section 40A (Waiver or refund of rate) enables a pastures protection board to waive or refund, with the approval or at the direction of the Minister for Agriculture, any rate or part of any rate and to write off any such rate. The Minister may also authorise a board to write off any amount owing to it if the Minister is satisfied that the amount is not recoverable.
- (t) Proposed section 40B (Rate-book) provides that every rate shall be entered by the pastures protection board which levied the rate in a prescribed rate-book. An amendment of the rate-book by a board will be deemed to be a determination by the board of the amount payable under a rate. The proposed section provides that in any proceedings for the recovery of a rate an entry shall be evidence of the matters recorded in the rate-book and that a copy of such an entry shall be evidence of the entry and the matters recorded.
- (u) Proposed section 40C (Duty to supply information respecting land or stock) requires an owner or occupier to furnish information regarding land or stock which is required by a pastures protection board. It makes it an offence for a person to fail to furnish the information or furnish incorrect or misleading information and imposes a penalty not exceeding \$1,000.
- (v) Proposed section 40D (Exemptions) exempts certain land from the operation of all or any of the provisions of the proposed Part and other provisions of the Principal Act providing for the imposition of rates. It also enables the regulations to exempt any land or any person or class of person from the operation of the proposed Part and those other provisions.
- (w) Proposed section 40E (Holdings in 2 or more districts) deems land situated in one or more districts to be situated in the district in which the greater part is situated for the purposes of certain provisions of the Act.

Schedule 1 (4) makes an amendment which is consequential on the insertion of the proposed Part III.

Schedule 1 (5) makes an amendment which is consequential on the insertion of the proposed Part III.

## SCHEDULE 2—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

Schedule 2 (1) inserts into the Principal Act definitions of "Council of Advice" and "Meat Industry Authority". The "Council of Advice" is defined as the Council of Advice elected by the Conference of the Pastures Protection Boards' Association of New South Wales.

Schedule 2 (2) changes the period between elections of directors of pastures protection boards from 3 to 4 years.

Schedule 2 (3) makes an amendment which is consequential on the amendment made by Schedule 2 (2).

Schedule 2 (4) makes an amendment which is consequential on the amendment made by Schedule 2 (2).

Schedule 2 (5) makes an amendment which is consequential on the amendment made by Schedule 2 (2).

Schedule 2 (6) inserts into the Principal Act proposed sections 14B (Collection of meat industry levies) and 14C (Additional functions of Council of Advice). Proposed section 14B provides that a pastures protection board may act as the Meat Industry Authority's agent for the issue of notices and the undertaking of the collection and recovery of meat industry levies owed to the Authority. The proposed section empowers the Council of Advice to negotiate agreements or arrangements with the Meat Industry Authority for boards to act as such agents and enables the Council of Advice on behalf of the Pastures Protection Boards' Association to enter into agreements or arrangements on behalf of boards. Proposed section 14C confers additional functions on the Council of Advice, including power to undertake inquiries when called on by the Minister for Agriculture and to represent pastures protection boards on committees established by the Minister.

Schedule 2 (7) provides for the payment of commissions paid to pastures protection boards and also sureties into the Pastures Protection Fund established under the Principal Act.

Schedule 2 (8) inserts into the Principal Act a power to make regulations with respect to the issue of notices and the undertaking by pastures protection boards of the collection and recovery of meat industry levies and the commission payable to boards.

### SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

Schedule 3, clause 1, provides for directors taking office on or after 1 October 1985 and before 1 October 1989 to have a 4 year term.

Schedule 3, clause 2, provides that nothing in the proposed Act shall affect the payment, collection or recovery of a rate made and levied by a pastures protection board before the commencement of Schedule 1 (3) to the proposed Act.

Schedule 3, clause 3, enables a pastures protection board to have regard to a return of land and stock furnished before the commencement of the proposed Act for the purpose of assessing whether land is ratable land or the carrying capacity of land. The proposed clause also renders a person who has failed to lodge a return of stock and land as at 30 June 1985 before the expiration of 30 days after the commencement of the new rating provisions liable to pay a general and an animal health rate.

Schedule 3, clause 4, provides for the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

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