



Legislative Assembly

Rural Lands Protection Amendment

Bill Hansard

Extract

25/09/2002

Second Reading

Mr AMERY (Mount Druitt-Minister for Agriculture, and Minister for Corrective Services) [10.04 a.m.]: I move:

That this bill be now read a second time.

The Rural Lands Protection Act 1998 was commenced in 2001 after a long period of consultation with the boards regarding the regulations and the memorandum of understanding between the New South Wales Department of Agriculture and the State Council of Rural Lands Protection Boards. The new legislation represents a new era in the operation of the rural lands protection board system, which is unique to this State. The 48 boards now have a statutory body, the State council, to provide them with centralised services and to enable them to be represented at all levels of government. An important event is taking place as I speak. It is the general election of directors of the 48 rural lands protection boards. The new directors are to take up office on 1 October following a nomination period and a postal ballot that closes on 25 September. This is the first general election of boards for five years and the first to take place under the new Act.

Significant changes have been implemented in an effort to gain a greater representation of the different cross-sections of the population who are board ratepayers. Each board consists of eight directors, except for the Central Tablelands board, which has nine. Under the former Rural Lands Protection Act the person who lodged the annual land and stock return was the person who was entitled to be nominated to stand for election as a director. In most cases, this was the farmer, who was most often the man of the family. In addition, in order to qualify to stand for election, the person had to reside in the district. This disadvantaged many owners of land who resided elsewhere. A concerted effort has been made to encourage, in particular, more women to vote and to stand for election. In this regard, recognising that often the family farm is held in the name of both spouses, each holding has been given two votes at the general election. In addition, there is no automatic enrolment system. The annual land and stock return can be used to nominate two persons to be enrolled in respect of the holding or a separate enrolment application can be lodged with the board.

The qualifications that apply to persons who are eligible to stand as a candidate for election have been simplified so that now it is only necessary that the person is an occupier or owner of rateable land within the relevant electoral division of the board's district. I am particularly pleased to hear from the State council that out of 42 boards canvassed, 72 women have been nominated to stand for election as directors at this election. Attention is being paid to the needs of minimum ratepayers. These persons are holders of land that consists of the smallest area or carrying capacity to which the rating provisions apply. They are being encouraged to stand for election as directors and their concerns regarding the services that they receive from boards are being addressed through a national competition policy review that is being conducted next year. When the results of the election are published next week, I look forward to hearing how many women and minimum ratepayers were elected as directors of the 48 boards.

The amendments before the House today arise from the use of the new Act since its passage through the Parliament. Amendments are proposed to enable the State council to conduct postal ballots of boards in respect of urgent issues. The State council is responsible for the implementation by the boards of the general policies for the protection of rural lands and the operation of boards that are determined from time to time at State conferences. An annual State conference of boards takes place in June. All the boards are represented and can vote on resolutions moved at the conference. The purpose of the conference is to determine general policies to be implemented by boards and to determine primary policies to guide the State council in carrying out its functions. The State conference also must determine the annual budget of the State council. The State council must then operate for the following 12 months to implement these resolutions.

However, if there is an urgent matter that arises or if the State council needs clarification or additional guidance regarding a resolution, at present there is no mechanism by which it can convene an urgent meeting of the State conference. The amendments propose that the State council may conduct a postal ballot in order to resolve urgent issues. The postal ballot may be conducted amongst all of the boards or only amongst the boards about whom the issue is concerned. In this way the business of the State council does not need to be stalled for want of guidance from the boards. Another issue of concern to boards is the need for clarification regarding their power to recover outstanding rates left owing by an outgoing tenant or owner of land. Under the Act, the occupier of the land is liable to pay the rate to the board. In some cases, the occupiers of the land may change frequently and the outgoing occupiers may leave the district, making it difficult for the board to recover unpaid rates.

The Act needs to state clearly that the current owner always remains liable for the rates left owing by an outgoing owner or tenant. Any person is entitled to apply under the Act to a board for a certificate that sets out the

amount of any outstanding rates, charges or other amounts owing in respect of a particular parcel of land. This means that an incoming owner, or an owner whose tenant is about to vacate the land, can easily find out whether any charges are owing to the board and can negotiate with the outgoing tenant or vendor of the land for settlement of the outstanding amount. Generally, vendors and purchasers of land, and landlords and tenants have access to good information about each other and therefore may have a better opportunity than a board to enforce outstanding debts.

The Act also creates a strong incentive for outgoing owners and occupiers to settle debts relating to the land. Section 68 maintains the right of an owner or occupier who pays the rates left owing by someone else to recover the amount from that person. This provision mirrors the law under the Local Government Act with respect to rates owing at the time that a vendor of land sells to the purchaser. This bill will also allow flexibility to boards in setting fees for the use of travelling stock reserves and public roads for grazing and walking stock. At present the Act requires that a board must charge a drover the exact fee that is set by the regulation for a permit to use a travelling stock reserve or public road. The proposed amendment will enable the boards to set a fee that is lower than the maximum amount set in the regulation. This is particularly important in times of drought when travelling stock reserves and some public roads are in great demand as an alternative source of feed for stock. The quality of feed available on roadsides and travelling stock reserves will vary greatly depending on circumstances such as the amount of grazing that occurred previously on this land. Boards will therefore want to vary the fees they charge in accordance with the conditions.

The bill clarifies the situation with regard to the recovery of money from boards for work that is undertaken to eradicate insects from the land. At present uncertainty surrounds section 172 as to whether I can charge a board for work that has to be carried out by the Australian Plague Locust Commission for eradicating a locust plague in another district. It is clear that plague locusts can travel vast areas of land in a short space of time, destroying crops, pasture and native vegetation in its wake. The swift eradication of a plague in one board's district is of great benefit to all of the boards' districts into which the plague may have travelled. It is therefore equitable that all boards whose district may play host to such insects should contribute to the cost of any eradication procedures carried out in the State. This amendment will make it clear that I can recover the eradication costs for action taken in a board district within the State from any or all of the other boards.

Under section 207 of the Act, all proceeds of penalties payable under penalty notices imposed for offences committed under the Act are payable to the board in whose district the offence took place. When police officers issue penalty notices under the Act it is difficult for them to ascertain easily in which of the 48 rural lands protection board districts the offence occurred. In addition, the Infringement Processing Bureau requires a separate code to be written into a penalty notice to designate the board district to which payment of the proceeds must be made. This adds to the complexity of the administrative process. Rather than have 48 different Infringement Processing Bureau codes, it is proposed that any penalty payable under a penalty notice issued by a police officer under the Act be paid to the State Council.

Once the State council receives the proceeds from the penalty notice, it is to be distributed across all boards by reducing the amount that each board must pay annually to the State council. The State council is to calculate the total amount it receives from the proceeds of all penalties paid to it under clause 106 (2A) over the year. The benefit that each board receives is to be calculated the same way that each board's annual contribution to the State council's budget is calculated. This will ensure an equitable distribution of the benefit across the State.

Finally, the bill makes certain amendments to the election process. The amendments concern information contained on the electors roll, the appointment of persons to fill casual vacancies that occur during postponement of a general election and the removal of a requirement that the authorised officer of a board must choose persons to be enrolled for a holding when the ratepayers for that holding have failed to make the election themselves. These amendments are designed to assist the boards to run more efficiently and thereby provide a better service for their ratepayers in the management of travelling stock reserves and stock watering places, eradication of vertebrate and invertebrate pests and the provision of animal health services.

The boards provide a vital disease surveillance role throughout the State. I note that the boards played an integral role in the recent Operation Minotaur, which was a simulation designed to test the ability of the States and the Commonwealth to respond effectively to an outbreak of foot-and-mouth disease. Their efficiency needs to be enhanced so as not to compromise these important functions. To this end, I note that the Government recently pledged a further \$3.5 million to upgrade the information technology systems used by the boards. This will assist them with their recording, reporting and communication needs. I commend the bill to the House.