



# TSR Code of Conduct



# Schedule 1 - Stock

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# TSR CODE OF CONDUCT

## Schedule 1 - Stock

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*NOTE: Any reference to a TSR in this schedule includes a public road.*

<b>1. GENERAL</b>
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### **1.1 Drivers\* to contact LHPA ranger**

- Drivers, stock owners and other persons in charge of travelling stock (subsequently referred to as drivers) intending to use Travelling Stock Routes or Reserves (TSRs) must contact the local Livestock Health and Pest Authority (LHPA) Ranger in advance and at least 2 working days prior to entering the authority's district. A stock permit must be obtained from the respective LHPA prior to the movement of stock.
- The LHPA ranger will inform the driver of any restrictions such as closure of TSR because of disease, lack of water or feed or any other reason; mob sizes permitted; other stock movements; and can suggest the route best suited for a mob to a destination.
- Early contact between driver and ranger will ensure that stock inspection, and if necessary TSR inspection by driver and ranger, can be carried out before stock enter an authority's TSRs.

### **1.2 Care of Travelling Stock Reserves**

- Drivers must look after improvements on TSRs (windmills, troughs, holding yards, fences, etc.) and avoid overgrazing. Drivers must not use boundary fences as one side of breaks or temporary holding yards.
- Campsites should always be kept clean and any damage to TSR improvements reported to the ranger. Stock should be yarded at existing campsites to prevent the spread of weeds.
- An authority may seek to recover damages from a person who damages a TSR or who damages or destroys a structure on a TSR.
- Drivers should always have consideration for their fellow drivers.

<b>2. MANAGEMENT, HANDLING, and MOVEMENT OF STOCK</b>
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### **2.1 Drivers should be experienced and competent stockmen capable of managing large mobs of stock.**

- Drivers are responsible for the welfare of the animals in their care.
- At all times, stock must be supervised and be under control.

- Travelling stock straying into properties adjoining TSRs may cause complaints to the ranger and give drovers a bad reputation. Drovers must notify adjoining or occupying landholders at least 24 hours before moving stock through unfenced TSRs.
- If the drover notices stray animals on the TSR, where practical, they should report this to the ranger. Drovers should make a note in their diary or on the back of a permit - description and quantity of strays.

## **2.2 Mob Assembly**

- Take into consideration:
  - (a) type of stock
  - (b) age and condition of stock
  - (c) availability of feed and water on route
  - (d) distance you have to travel per day
  - (e) other stock on TSR
- The drover in charge has the responsibility of having only fit and healthy stock in the mob walking on the TSR.
- Animals that should be rejected include:
  - (a) injured animals
  - (b) distressed or weak animals
  - (c) aggressive or uncontrollable animals
- If stock originate from a saleyard or are dropped from road transport onto the TSR, they should be given a short time to settle down before starting to travel. A suitable location and time for this purpose should be organised with a ranger.

## **2.3 Sick, injured, or diseased stock**

- Sick, injured, or diseased stock should be given prompt and appropriate treatment or culled from the mob and / or disposed of properly. Advice on stock disease matters can be sought from the LHPA district veterinarian or ranger.
- Preventative measures should be used for stock diseases that are common in the area or that may occur under particular seasonal conditions eg, anthrax, flystrike.

## **2.4 Pesticides and poisonous plants**

Many plants are toxic to stock given the right conditions. Pesticides or agricultural chemicals used in the district could well find their way onto travelling stock reserves and roads. These are matters over which the authority has no control. Drovers should make inquiries to the ranger and other relevant authorities regarding the possibility of any pesticide residues or presence of poisonous plants etc on TSRs in the authority district which may affect stock and satisfy themselves as to the risk.

A condition of the issue of all stock permits is that no claim shall be made against the authority, its directors or employees for any loss or injury resulting from pesticides, chemical or plant poisoning on any land on which stock travel under a permit.

## **2.5 Poisonous substances on TSRs**

There is the risk of persons dumping hazardous material including chemicals, chemical containers and lead batteries on TSRs that may cause death, illness or residue problems with stock. These are matters over which the authority has no control. LHPA staff do survey the TSRs and remove hazardous materials when identified. Any person using travelling stock reserves and roads must satisfy themselves as to the risk. If a person in charge of stock identifies any dumped materials on a TSR they must notify the relevant LHPA office.

A condition of the issue of all stock permits is that no claim shall be made against the authority, its directors or employees for any loss or injury resulting from pesticides, chemical or plant poisoning on any land on which stock travel under a permit.

## **2.6 Non-Compliance**

If for some reason the drover cannot comply with a requirement of the permit he should contact the ranger of the authority immediately to discuss the problem (distance per day, slow travel, holding for treatment) and have the permit amended and endorsed accordingly. Where practical this should be done prior to any variation from the issued permit.

## **2.7 Confirmation of Permit**

At any time when talking to a ranger, inspector of stock, or police officer, a drover should, where practical, request that they date and sign the back of the permit and note the mob location at that time. It gives a good record of movement.

# **3. OBLIGATIONS OF LANDHOLDERS ADJOINING TSRs AND PUBLIC ROADS**

If the occupier of land adjoining an unfenced public road or TSR is given 24 hours written or verbal notice by the owner or person in charge of stock of an intention to walk or graze stock on the road or TSR, the occupier must take all reasonably practicable steps to prevent the stock from causing any injury, damage or harm to the land or anything on it.

# **4. CLOSURE OF TSRs**

## **4.1 Rural Lands Protection Act 1998**

Authorities can officially close a TSR (or part of a TSR) in accordance with section 93 of the *Rural Lands Protection Act 1998* (RLP Act) if it can no longer support travelling and / or grazing stock.

Authorities have an obligation to take appropriate measures for the conservation of the pasture and water; the prevention of soil erosion; the regeneration of the pasture; and the prevention of damage to the reserve.

An authority that places a closure order must publish the order in a newspaper that circulates generally within the authority's district.

## **4.2 Stock Diseases Act 1923**

TSRs may also be closed under the *Stock Diseases Act 1923* whenever the Minister is of the opinion that all or some of the walking or grazing stock within an area may be infected with a designated

disease and could, if allowed to walk over or graze on the roads, travelling stock reserves or public places:

- a) cause those roads, reserves or places to become infected with the disease; or
- b) cause other stock within the area to become infected with the disease; or
- c) where holdings, roads, travelling stock reserves and public places within the area are currently not infected with the disease - expose those holdings, roads, reserves and places to the disease.

## **5. DISPUTES AND ARBITRATION**

- Disputes can occur between:
  - (a) Drover and landholder adjoining the TSR;
  - (b) Drover and owner of stock;
  - (c) Drover and another drover;
  - (d) Drover and motorist;
  - (e) Drover and LHPA ranger.
- For (a), (b), and (c) the drover should request the ranger's assistance to resolve the problem. If this is unsuccessful, contact the senior ranger of the authority.
- For disputes with motorist's (d), it is recommended to involve the Police.
- For (e), if a dispute between the ranger and drover cannot be settled, the senior ranger of the authority or his delegate should become involved. The senior ranger will make a decision within 48 hours of being notified of the dispute.
- If any party is not satisfied with the decision of the senior ranger they may take it to the general manager of the authority.
- If the permit applicant/holder has been refused a permit or had a permit suspended and is not satisfied with the decision of the general manager they may appeal to the local land board under section 109 of the Rural Lands Protection Act which states-

### ***109 Appeals concerning the issue, cancellation or suspension of permits***

*(1) An applicant for a permit may appeal to the local land board against a decision of a responsible authority to refuse to issue a permit.*

*(2) The holder of a permit may appeal to the local land board against a decision of a responsible authority to cancel or suspend the permit.*

*(3) The appeal must be made within 28 days of the refusal or receipt of the notice of cancellation or suspension.*

*(4) A decision of a responsible authority to refuse to issue a permit or to cancel or suspend a permit is effective and operates (subject to any final determination on appeal) from the date of the decision.*

*(5) On hearing the appeal, the local land board may:*

*(a) revoke the decision to refuse to issue the permit and issue the permit (whether or not subject to conditions), or*

*(b) confirm the decision to refuse to issue, or*

*(c) revoke the decision to cancel or suspend the permit, or*

*(d) confirm the decision to cancel or suspend the permit.*

*(6) A decision of the local land board on appeal is final and is to be given effect as if it were a decision of the authority concerned.*

*Note that an appeal to the local land board may be made in lieu of appealing to the ranger, senior ranger and general manager as outlined above. However, it is recommended that any appeals be lodged with those officers in the first instance.*

- As an alternative course of action, the permit applicant/holder may appeal to the NSW Ombudsman in relation to such matters.

## **6. REQUIREMENTS UNDER THE RLP ACT AND REGULATIONS**

- Drivers should be aware of the requirements under the RLP Act and Regulations concerning travelling and grazing stock on TSRs and the particular requirements of some authorities.
- It is most important that drivers are willing to communicate with the ranger and adjoining landholders on any problems.

## **7. STATE WIDE REGISTER OF OFFENCES**

### **7.1 LHPA Register**

LHPA State Council is maintaining a state wide register of infringement notices issued by LHPA officers and offences proven in court that were committed by persons in charge of stock on public roads or TSRs under the RLP Act. The register will include:

- Livestock Health and Pest District (LHPD)
- LHPA officer
- Drivers name
- Offence
- Action
- Date of offence

### **7.2 Accumulated penalty**

Drivers, owners and persons in charge of stock should be aware LHPAs have adopted a state wide policy to manage frequent offenders of the RLP Act and Regulations in relation to stock permits. Drivers, owners and persons in charge of stock will be allowed 2 offences within a two year period. A 3<sup>rd</sup> offence within two years will result in an automatic ban from being issued a permit to manage stock by any LHPA for 1 year. This system is modelled on a NSW driver's licence.

## APPENDIX 1 - STANDARD REQUIREMENTS WHICH A DROVER OR PERSON RESPONSIBLE FOR STOCK ON A TSR OR PUBLIC ROADWAY SHOULD KNOW

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The following is a list of what a drover or person responsible for stock grazing on a TSR or along public roadways should know and/or do. Some of these requirements may vary between authorities.

1. Movement of walking stock is prohibited except under the authority of an appropriate stock permit.
2. An application for a stock permit must be made at least 2 working days before the stock enter, remain on, walk or graze on a travelling stock reserve or public road in the district of the authority.
3. Movement of walking stock must comply with the conditions or restrictions of the permit and also comply with any requests of the inspector of stock / ranger in the execution of his prescribed duties. Such walking stock should travel only the route specified on the permit.
4. Restrictions concerning activities and camping on reserves including use of water, timber, fences, equipment, and other structures must be complied with.
5. Stock permits or reserve use permits may be cancelled or suspended by the issuing authority if:
  - i). the holder of the permit has been convicted of an offence under the *Rural Lands Protection Act 1998* or Rural Lands Protection (General) Regulations 2001
  - ii). the holder of the permit has contravened a condition to which the permit is subject
  - iii) cancellation or suspension is necessary for the protection of any stock or of a public road or TSR.
6. Any lawful requests for:
  - i) providing personal identification;
  - ii) right to inspect stock; and
  - iii) producing the relevant permit for inspection;must be complied with.
7. The mechanisms involved in applying for a variation in a journey should be understood. The ranger must receive at least 48 hours notice except in a situation of declared emergency or natural disaster.
8. Stock may only walk over public roadways or TSRs between sunrise and sunset.
9. Stock travelling less than 10 kms per day (slow travel) is not permitted unless the relevant permit is suitably approved and endorsed by a ranger.
10. The relevant permit or authority should always be available for inspection by authorised persons such as a stock inspector, ranger or police.
11. Restrictions concerning holding of stock at night, ie, in a stock holding area where available or by placing approved warning signs in appropriate positions where such stock holding areas are unavailable, must be complied with. Boundary fences must not be used as part of a break or temporary holding yard. A 1 metre buffer must be maintained between the break and any boundary fence.
12. Approved stock warning signs must be displayed when stock are walking or grazing near a roadway (see Appendix 2).

13. Grazing or walking stock must be adequately controlled at all times. Every reasonable effort should be made to keep the actual carriageway free of stock. Stock must not be abandoned or be allowed to trespass.
14. Stock must not be left unattended except in prescribed circumstances, such as:
  - i) in the case of medical emergency
  - ii) for the purpose of moving warning signs
  - iii) in circumstances approved by a ranger
15. Temporary enclosures or breaks can only be erected on a public roadway or TSR according to permit conditions.
16. All unexplained cases of death or illness of stock, especially in the anthrax belt of NSW, should be reported to the ranger and investigated by an appropriate authority.
17. Carcasses must be disposed of where practical within 48 hours of death by burning or by burial. Where burning or burial is not possible then the dead stock should be disposed of in the most practical way, for example, away from gates, watering points etc. Where stock are required to be destroyed by euthanasia, an effective and humane method of euthanasia must be employed.
18. A ranger can order the removal of stock unfit to travel the distances specified within the conditions of the permit. A permit may be issued or altered to allow a slower rate of travel or unfit stock must be removed as soon as practical by vehicle or some other appropriate means.
19. A ranger can request, with good reason, the person in charge of stock to employ more people to supervise the stock.
20. There are requirements under the National Livestock Identification Scheme (NLIS) that must be complied with relating to movement of some classes of stock from one property to another. If you are unsure check with the ranger the stock owner responsibilities.
21. Mob size will be set by each authority considering capability of TSRs and watering places based on assessment of seasonal conditions, stocking pressure, area of reserve etc. Concessions may be given to mobs travelling from adjoining LHPDs.

## APPENDIX 2 - STOCK WARNING SIGNS

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For the purpose of the RLP Act and Regulations:

- i). A stock warning sign must be constructed of rigid metal, heavy duty plastic, corflute or other rigid and durable material.
- ii). The particulars to be shown on the sign are any of those shown in diagrams A to F (LHPA can advise whichever is appropriate); and
- iii). Those particulars must be coloured black on a yellow background; and
- iv). The sign must be in the form of a flat, square sheet with sides 750 millimetres in length.
- v). Stock signs must be displayed when stock are being walked or grazed along or within 300 metres of a public road except where a stock proof fence separates the stock from the road.
- vi). Signs must be positioned so that a motorist is warned of the presence or likely presence of stock a reasonable distance before the vehicle would first encounter the stock.
- vii). Signs must be clearly visible to motorists who approach stock in either direction.
- viii). Stock signs must be positioned so that there is not more than 5 kilometres and not less than 200 metres between the sign and a place where a vehicle being driven towards the stock would first encounter them.
- ix). A stock warning sign that depicts a particular kind of stock applies to every other kind of stock.
- x). If any doubts exists about the above requirements please check with the ranger.



Diagram A



Diagram B



Diagram C



Diagram D



Diagram E



Diagram F

### APPENDIX 3 - LHPA CONTACTS

LHPA	Office	Address	Phone
Central North	Tamworth	33-35 Gunnedah Rd TAMWORTH NSW 2340	02 6762 2900
	Coonabarabran	89 John St COONABARABRAN NSW 2357	02 6842 1300
	Mudgee	112 Market St MUDGEE NSW 2850	02 6372 1866
	Merriwa	181 Bettington St MERRIWA NSW 2329	02 6548 2175
Central West	Dubbo	96 Victoria St DUBBO NSW 2830	02 6882 2133
	Coonamble	15 Tooloon St COONAMBLE NSW 2829	02 6822 1588
	Nyngan	58 Cobar St NYNGAN NSW 2825	02 6832 1008
Cumberland	Camden	61 John St CAMDEN NSW 2570	02 4655 9165
	Maitland	53 New England Hwy MAITLAND NSW 2320	02 4932 8866
Darling	Bourke	36 Mitchell St BOURKE NSW 2840	02 6872 2322
	Brewarrina	24 Bathurst St BREWARRINA NSW 2839	02 6839 2047
	Cobar	Broomfield St COBAR NSW 2835	02 6836 2081
	Wanaaring	Vicary St WANAARING NSW 2840	02 6874 7749
Hume	Wagga Wagga	17 Trail St WAGGA WAGGA NSW 2650	02 6923 0900
	Albury	462 Wagga Rd LAVINGTON NSW 2641	02 6040 4210
	Gundagai	87 Sheridan Street GUNDAGAI NSW 2722	02 6944 1588
	Holbrook	74 Albury St HOLBROOK NSW 2644	02 6036 2733
Lachlan	Forbes	46 Sherriff St FORBES NSW 2871	02 6852 2152
	Condobolin	32 Bathurst St CONDOBOLIN NSW 2877	02 6895 2152
	Young	93 Main St YOUNG NSW 2594	02 6382 1255
Mid Coast	Wingham	15 Isabella St WINGHAM NSW 2429	02 6553 4233
	Kempsey	83 Belgrave St KEMPSEY NSW 2440	02 6562 7822
	Scone	196 Kelly St SCONE NSW 2337	02 6545 1311
	Singleton	98 John St SINGLETON NSW 2330	02 6572 2944
New England	Glen Innes	1 Greenaway St GLEN INNES NSW 2370	02 6732 1200
	Armidale	126 Taylor St ARMIDALE NSW 2350	02 6772 2366
	Tenterfield	142 High St TENTERFIELD NSW 2372	02 6736 1355
North Coast	Lismore	79 Conway St LISMORE NSW 2480	02 6621 2317
	Casino	147 Barker St CASINO NSW 2470	02 6662 3166
	Grafton	54 Victoria St GRAFTON NSW 2460	02 6642 3699
North West	Narrabri	101 Barwan St NARRABRI NSW 2390	02 6792 2533
	Inverell	8 Evans St INVERELL NSW 2360	02 6722 3091
	Moree	203 Balo St MOREE NSW 2400	02 6752 8012
	Walgett	74 Fox St WALGETT NSW 2832	02 6828 1047
	Warialda	19 Stephen St WARIALDA NSW 2402	02 6729 1528
Riverina	Deniliquin	394 Hay Rd DENILIKUIN NSW 2710	03 5881 1055
	Hay	56 Lachlan St HAY NSW 2711	02 6993 1403
	Jerilderie	6 Jerilderie St JERILDERIE NSW 2716	03 5886 1203
	Moulamein	61 Tallow St MOULAMEIN NSW	03 5887 5006
	Narrandera	8 Bolton St NARRANDERA NSW 2700	02 6959 2322
South East	Bega	34 Auckland St BEGA NSW 2550	02 6492 1283
	Bombala	106 Maybe St BOMBALA NSW 2632	02 6458 3055
	Braidwood	170 Wallace St BRAIDWOOD NSW 2622	02 4842 2536
	Cooma	5 Dawson St COOMA NSW 2630	02 6452 1122
Tablelands	Bathurst	66 Corporation Ave BATHURST NSW 2795	02 6331 1377
	Goulburn	181 Bourke St GOULBURN NSW 2580	02 4821 2522
	Molong	36 Bank St MOLONG NSW 2866	02 6366 8505
	Yass	13 Mitchell St YASS NSW 2582	02 6226 1155
Western	Balranald	82 Market St BALRANALD NSW 2715	03 5020 1691
	Broken Hill	Adelaide Rd BROKEN HILL NSW 2880	08 8087 3378
	Hillston	180 High St HILLSTON NSW 2675	02 6967 2507
	Tibooburra	Briscoe St TIBOOBURRA NSW 2880	08 8091 3306
	Wentworth	230 Adams St WENTWORTH NSW 2648	03 5027 3064

	Wilcannia	43 Woore St WILCANNIA NSW 2836	08 8091 5070
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## APPENDIX 4 – OFFENCES

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**Note: the fine per penalty unit is \$110**

### **i. Rural Lands Protection Act 1998**

#### **Section 95 Unauthorised uses of travelling stock reserves**

A person must not, without lawful authority:

- (a) enter or remain on a travelling stock reserve, or
- (b) occupy or make use of any travelling stock reserve for any purpose, or
- (c) engage in any activity that damages, or is likely to damage, a travelling stock reserve.

*Maximum penalty: 50 penalty units.*

#### **Section 96 Unauthorised use of public roads**

(1) A person who owns or has charge of stock must ensure that the stock do not walk or graze on a public road.

*Maximum penalty: 50 penalty units.*

(2) A person is not guilty of an offence under this section if the stock are being walked or grazed under the authority of a stock permit or an order made or permit issued under the [Stock Diseases Act 1923](#) or in any other circumstances prescribed by the regulations for the purposes of this subsection.

#### **Section 106 Conditions of stock permits and reserve use permits**

(1) A permit is subject to such conditions as are prescribed by the regulations or specified in the permit.

(2) The responsible board may by notice in writing to the holder of a permit:

- (a) revoke or vary any conditions attached to the permit that it has specified, or
- (b) attach new conditions to the permit.

(3) A holder of a permit who contravenes any condition of the permit is guilty of an offence.

*Maximum penalty: 20 penalty units.*

#### **Section 107 Movement and grazing of stock authorised by stock permits must comply with Act and regulations**

The holder of a stock permit must ensure that stock owned by or in the charge of the holder are not moved over, or grazed on, a public road or travelling stock reserve in contravention of any provision of this Act or the regulations.

*Maximum penalty: 20 penalty units.*

#### **Section 126 Orders for mustering of stock**

(1) The person in charge of any stock that are on any part of a public road or a travelling stock reserve must, if requested to do so by a prescribed officer:

- (a) muster the stock at a specified place in the vicinity of that part of the road or reserve, and
- (b) allow the prescribed officer to inspect the stock, and
- (c) assist in counting the stock, and
- (d) provide the prescribed officer with such other assistance as the prescribed officer may reasonably require, and
- (e) except as provided by subsection (2), produce for inspection by the prescribed officer an appropriate permit in respect of the stock.

*Maximum penalty: 10 penalty units.*

(2) The person in charge of stock is not required to produce an appropriate permit for inspection if the person claims that the stock are being conveyed under the authority of an order made or a permit issued under the [Stock Diseases Act 1923](#).

(3) A person in charge of stock who claims that stock are being conveyed as referred to in subsection (2) must, if requested to do so by the prescribed officer, produce that order or permit for inspection by the officer within 48 hours after the request is made.

*Maximum penalty: 10 penalty units.*

(4) In this section, "prescribed officer" means any of the following:

- (a) A Ranger who is an authorised officer,
- (b) a police officer,
- (c) an inspector appointed under the [Stock Diseases Act 1923](#),
- (d) any other person prescribed by the regulations for the purposes of this paragraph.

### **Section 136 Offence to damage stock watering place**

(1) A person must not intentionally or recklessly pollute or, without lawful authority, interfere with any water that flows into, or that is used as, the source of supply for any stock watering place.

*Maximum penalty: 100 penalty units.*

(2) If any person pollutes or, without lawful authority, interferes with any water that flows into, or that is used as, the source of supply for a stock watering place, the relevant controlling authority may recover from the person an amount equal to the cost of cleaning up or removing the pollution or interference as a debt due in a court of competent jurisdiction.

(3) Proceedings may be brought under subsection (2) irrespective of whether proceedings could be or have been brought for an offence under subsection (1) arising out of the same matter.

### **Section 139 Offence of causing or permitting stock to be on a public road, travelling stock reserve or public land without authority**

(1) If stock (whether attended or unattended) are on a public road, travelling stock reserve or other public land except in accordance with the authority conferred by (and in accordance with any conditions of) a stock permit or by or under any law the owner of the stock, and the person in charge of the stock (if not the owner), are each guilty of an offence.

*Maximum penalty: 50 penalty units.*

(2) It is a defence to a prosecution for an offence against this section, if the defendant proves that the defendant had taken all reasonable steps to prevent the contravention.

(3) An impounding officer may impound any stock the impounding officer suspects to be on a public road, travelling stock reserve or other public land in contravention of this section in the same way that the impounding officer may impound an animal under section 9 of the [Impounding Act 1993](#).

### **section 198 Offence: obstructing authorised officer**

(1) A person who:

- (a) prevents an authorised officer from exercising a function conferred or imposed by or under this Act, or
- (b) hinders, obstructs, threatens or assaults an authorised officer in the exercise of such a function, or
- (c) without reasonable excuse, refuses or fails to comply with a requirement made or to answer a question of an authorised officer asked in accordance with this Act or the regulations, or
- (d) furnishes an authorised officer with information knowing that it is false or misleading in a material particular, is guilty of an offence.

*Maximum penalty: 50 penalty units.*

(2) A person is not guilty of an offence under subsection (1) (c) unless it is established that, at the material time, the authorised officer:

- (a) identified himself or herself as an authorised officer, and
- (b) warned the person that a failure or refusal to comply with the requirement may constitute an offence.

### **Section 210 Offences relating to provision of information in relation to certain matters**

(1) A person who, having been required under a provision of this Act or the regulations to provide information, fails without reasonable excuse to provide that information is guilty of an offence.

*Maximum penalty: 10 penalty units.*

(2) A person must not make a statement for the purposes of this Act to a person engaged in the administration of this Act, or make a statement in an official document under this Act, that the person knows:

(a) is false or misleading in a material respect, or

(b) omits material matter.

*Maximum penalty: 20 penalty units.*

(3) A document is an "official document" under this Act if it is an application, return, declaration or other document that is required to be given to the Minister, the State Council, a board, the Director-General or an authorised officer for the purposes of this Act or the regulations.

(4) A person who forges or fraudulently alters any permit, licence, authority or other document issued or purporting to be issued under this Act is guilty of an offence.

*Maximum penalty: 100 penalty units.*

### **Section 237 Owner of stock may be ordered to muster stock**

(1) An authorised officer of the Minister or a board may, with the approval of the Minister or board, order a person who owns stock to muster the stock on the persons holding (or on a designated part of it) or at some other designated place for a purpose and at a time specified in the order.

(2) A person who fails to comply with such an order at the time specified in it is guilty of an offence.

*Maximum penalty: 20 penalty units.*

(3) If a person fails to comply with such an order at the specified time the authorised officer may have the muster carried out at the persons expense.

(4) The Minister or the board concerned may recover the expense of having a muster carried out under this section as a debt in any court of competent jurisdiction.

## ii. Rural Lands Protection (General) Regulation 2010

### Clause 20 Offences relating to stock zones

- (1) The owner or person in charge of stock that are on a public road must ensure, as far as practicable, that the stock do not pose a hazard to any person, animal or vehicle on the road.
- (2) The owner or person in charge of stock that are on or near a public road must ensure that the stock are in a stock zone if it is reasonably foreseeable that they may be a hazard to any person, animal or vehicle on the road.
- (3) The driver of a mechanically powered vehicle must give way to stock and to all other animals and any vehicle accompanying stock in a stock zone.

*Maximum penalty: 20 penalty units.*

### Clause 21 When must temporary stock zone signs be displayed?

- (1) A person moving or grazing stock on or near any part of a public road that is not a permanent stock zone must display a temporary stock zone sign in accordance with this Part.
- (2) It is a defence to a prosecution for an offence under subclause (1) if it is proved that:
  - (a) compliance with the subclause was not necessary because the presence of the stock did not result in any reasonably foreseeable hazard to any person, animal or vehicle on the public road, or
  - (b) the failure to comply with the subclause was due to circumstances that were beyond the control of, and could not reasonably have been foreseen by, the person in charge of the stock.
- (3) The person must remove the temporary stock zone sign when the stock are no longer on or near any part of a public road that is not a permanent stock zone.

*Maximum penalty: 20 penalty units.*

### Clause 22 Interference with signs

A person must not, without lawful authority, remove, interfere with, damage, deface or affix advertising material or any other thing to any stock zone sign.

*Maximum penalty: 20 penalty units.*

### Clause 23 Authority to exhibit stock zone signs

- (1) A person has authority to exhibit a stock zone sign if:
  - (a) the person is the roads authority or is a person authorised by the roads authority, or
  - (b) the person exhibits the sign in accordance with the requirements of this Regulation.
- (2) A person must not, without lawful authority, exhibit a stock zone sign.

*Maximum penalty: 20 penalty units.*

### Clause 24 Directions to remove temporary stock zone signs

(1) An authority that considers that a temporary stock zone sign erected on a public road in the district of the board does not relate to stock on or near the road may:

- (a) remove the sign, or
- (b) direct any person exhibiting the sign to remove it within a specified time.

(2) A person to whom a direction is given under subclause (1) must comply with the direction.

*Maximum penalty: 10 penalty units.*

### Clause 25 Travelling stock on travelling stock reserves to be prevented from moving onto carriageways between sunset and sunrise

A person in charge of travelling stock on a travelling stock reserve through which an unfenced public road passes must ensure, so far as is reasonably practicable, that the stock are fenced or otherwise prevented from moving onto the carriageway of the public road between sunset and sunrise.

*Maximum penalty: 20 penalty units.*

### **Clause 27 Control of activities on travelling stock reserves**

(1) The responsible authority for a travelling stock reserve may prohibit, or regulate, the carrying on of any activity on the reserve by erection of a sign at or near the entrance to the travelling stock reserve or in some prominent place within the reserve.

(2) A person who carries on an activity in contravention of a sign referred to in subclause (1) is guilty of an offence.

*Maximum penalty: 10 penalty units.*

### **Clause 28 Removal of signs**

A person who, without lawful authority, removes, damages or interferes with a sign displayed by the responsible authority on a travelling stock reserve is guilty of an offence.

*Maximum penalty: 10 penalty units.*

### **Clause 30 Offences on travelling stock reserves**

(1) A person must not, except in accordance with a permit issued by the responsible authority for a travelling stock reserve:

- (a) waste any water provided on the reserve for stock, or
- (b) divert or in any other way interfere with the natural flow of water on the reserve, or
- (c) swim or bathe in a water tank or dam installed or constructed on the reserve, or
- (d) light a fire in the reserve at any time when the lighting of fires in the reserve is prohibited by the responsible authority by signs displayed on or near the reserve or at any other time except in a fireplace designated by the responsible authority by the display of such a sign.

*Maximum penalty: 10 penalty units.*

(2) A person must not, without the authority in writing of the responsible authority or other reasonable excuse, damage or interfere with a structure, appliance or other article that forms part of or is lawfully on a travelling stock reserve.

*Maximum penalty: 20 penalty units.*

(3) A person must not, without reasonable excuse, interfere with stock or beehives that are lawfully on a travelling stock reserve.

*Maximum penalty: 20 penalty units.*

### **Clause 31 Stock to be adequately controlled**

(1) A person in charge of stock must keep the stock under control at all times while the stock are on a public road or travelling stock reserve.

(2) A person in charge of stock who, without reasonable excuse, fails to comply with this clause is guilty of an offence.

*Maximum penalty: 10 penalty units.*

(3) In this clause:

"control", in relation to clause, means action designed to ensure that the stock do not stray to a location, or do not behave in a manner, that would be hazardous to passing traffic or to the general public.

### **Clause 32 Obligations of occupiers of land adjoining public roads or travelling stock reserves**

(1) This clause applies to an occupier of any land in a district that adjoins an unfenced public road or travelling stock reserve who is given oral or written notice by the owner or person in charge of travelling stock at least 24 hours before the stock travel or graze on that road or reserve that the stock will travel or graze on that road or reserve.

(2) An occupier of land to whom this clause applies must take all reasonably practicable steps to prevent the stock from causing any injury, damage or harm to the land or any thing on it.

*Maximum penalty: 10 penalty units.*

### **Clause 33 Persons prohibited from depositing or leaving rubbish, carcasses and other things on reserves**

A person must not, without lawful authority, deposit or leave on any travelling stock reserve any rubbish or animal carcass, vehicle, equipment, implement or movable structure or other thing.

*Maximum penalty:*

- (a) in the case of an animal carcass 50 penalty units for the first animal carcass deposited or left by the person and 5 penalty units for each additional carcass deposited or left at the same place and time by that person, and*
- (b) in the case of any other thing 50 penalty units.*

### **Clause 37 Compliance with directions**

(1) An authorised officer of a responsible authority who suspects, on reasonable grounds, that a person is committing or has committed an offence against the Act or this Regulation on a travelling stock reserve may direct the person to leave the reserve.

(2) A person who fails, without reasonable excuse, to comply with a direction given under this clause is guilty of an offence.

*Maximum penalty: 5 penalty units.*

(3) If a person fails to comply with a direction given under this clause, the authorised officer may use force (but no more than is necessary in the circumstances) to remove the person from the reserve.

### **Clause 40 Conditions of stock permits and reserve use permits**

The holder of a permit must:

- (a) produce the permit for inspection on demand by an authorised officer, and
- (b) comply with any reasonable request made, or direction given, by an authorised officer.

*Maximum penalty: 5 penalty units.*

### **Clause 41 Rate of travel to be maintained**

(1) The holder of a permit who is in charge of travelling stock that are walking on a journey lasting more than 24 hours must ensure that the stock travel towards their destination a distance of not less than 10 kilometres on each day.

*Maximum penalty: 20 penalty units.*

(2) A person is not guilty of an offence under subclause (1) if:

- (a) the stock are prevented from travelling at the required travelling rate due to bad weather, fire, flood or some other unforeseeable circumstance, or
- (b) approval for the stock to travel at a slower rate has been given under subclause (3).

(3) An authorised officer of an authority may give approval for stock to travel at a slower rate than the required travelling rate:

- (a) if the stock are unfit to travel at the required travelling rate, or
- (b) for any other reason the authorised officer considers appropriate.

(4) The approval may be given subject to such conditions as are specified by the authorised officer.

(5) The authorised officer is to write details of the approval on the permit concerned, together with any conditions subject to which the approval is given.

(6) If part of a mob consists of stock fit to travel at the required travelling rate and other stock unfit to travel at that rate, an authorised officer of the board concerned may:

- (a) order the unfit stock to be culled from the mob, or
- (b) give approval, subject to such conditions as are specified by the authorised officer, for those stock to travel at a slower rate.

(7) The person in charge of stock ordered to be culled under this clause must ensure that the stock are immediately removed by vehicle or other appropriate means from the public road or travelling stock reserve on which they were travelling.

*Maximum penalty: 10 penalty units.*

(8) Fee for slower rate of travel. The fee payable for an approval to travel at a slower rate under this clause is:

- (a) for small stock \$4 per 100 head or less for each day of travel, and
- (b) for large stock \$4 per 10 or less large stock for each day of travel.

(9) Any fee payable under subclause (8) is in addition to the fee payable under clause 38 for issue of a permit.

(10) The owner or person in charge of stock which travel at a slower rate than the required travelling rate must ensure the appropriate fees are paid to the authority.

*Maximum penalty: 10 penalty units*

#### **Clause 42 Removal of soil, gravel and other materials**

(1) A person must not remove any water, soil, sand, clay or gravel or other material from a travelling stock reserve.

*Maximum penalty: 20 penalty units.*

(2) This clause does not apply to any removal of water or any other material authorised by or under the Act, any other Act or this Regulation.

#### **Clause 47 Offence to obtain water from stock watering place where depth below specified level**

If a depth measuring gauge installed by the controlling authority in a tank or dam at a stock watering place indicates the water level is below a mark indicated by the gauge a person must not:

- (a) take, or assist another person to take, water from the tank or dam, or
- (b) fail to take all reasonable steps to prevent any stock in the persons charge from drinking water from the tank or dam.

*Maximum penalty: 10 penalty units.*

#### **Clause 57 Offences relating to stock identification schemes**

(1) A person required to identify stock by a stock identification order who fails, without reasonable excuse, to identify stock in accordance with any requirement of the order is guilty of an offence.

(2) A person who applies a brand, mark or other means of identifying stock to identify stock on a voluntary basis who fails without reasonable excuse:

- (a) to use the authorised stock identifier for the stock or class of stock concerned, or
- (b) to apply the means of identification in the manner specified by a stock identification order, is guilty of an offence.

(3) A person given approval by an authority to apply authorised stock identifiers to stock or a class of stock in accordance with a stock identification order who applies a means of identifying stock other than the authorised stock identifier to stock is guilty of an offence unless the means of identification applied is authorised by another law.

(4) A person must not apply any brand, mark or other means of identifying stock to stock that the person does not own unless:

- (a) the brand, mark or means of identifying the stock is applied with the consent of the owner of the stock, or
- (b) the person is authorised under a stock identification scheme to apply the brand, mark or means of identifying the stock.

(5) A person who constructs a device for applying an authorised stock identifier otherwise than in accordance with the specifications described for the device in a stock identification order is guilty of an offence.

(6) A person who alters, destroys, defaces or otherwise interferes with an authorised stock identifier applied in accordance with the requirements of a stock identification scheme is guilty of an offence.

*Maximum penalty: 50 penalty units.*