

Roadside Grazing



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Junee Shire Council

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INTRODUCTION



With the advent of the 2002/2003 drought, it became apparent that there is not a lot of knowledge out there within councils - and even to some degree within the Rural Lands Protection Boards (RLPB) – of the various rights of stock owners to graze stock on the roadside. The drought has certainly highlighted this problem, with many farms running out of feed and requiring the grass that is available on the roadsides for the mere existence of their stock.

Junee Shire Council was faced with the problem of large numbers of stock grazing on the roadside and the question was asked: “What is the liability situation if there is an accident caused by the grazing of stock?”.

As we all know, the Council is the responsible road authority for all public roads, including the road reserve to the boundary fences on either side. The exception to this, of course, is the freeways and tollways around the state. Even with regard to state roads, the local council is still the authority for the roadside - from that arbitrary line where the Roads & Traffic Authority (RTA) control the road (somewhere around the table drain) out to the boundary fence.

To solve the problem in Junee Shire, it was decided that Council would meet with the two Rural Lands Protection Boards that operate within the shire – namely Wagga Wagga RLPB and Gundagai RLPB. From this meeting a policy was derived to help set the scene for roadside grazing to be conducted in the safest possible manner. As part of the process of developing this policy, careful examination of the various Acts involved was required, and it is on the basis of that research that I present this paper to you.

THE ROADS ACT 1993

The obvious first area to look at, with regard to stock on a public roadway, was the Roads Act. Upon examination of the Roads Act there is very little reference to grazing stock, however, there is one important statement. Part 1, Section 5, is titled "Right of Passage Along a Public Road by Members of the Public", and I quote:

"A member of the public is entitled, as a right, to pass along a public road (whether on foot, in a vehicle or otherwise) and to drive stock or other animals along the public road."

My interpretation of this reference in the Roads Act is that it indicates, quite clearly, that stock have a right to be on the public road.

THE RURAL LANDS PROTECTION ACT 1998 & THE RURAL LANDS PROTECTION (GENERAL) REGULATION 2001

Having come to that conclusion, the next reference point regarding how the stock will be handled on the public road is found in the Rural Lands Protection Act, 1998. Most of the information is contained in Part 8 and titled "Travelling Stock Reserves and Public Roads".

All throughout my research, there were references to other Acts however, upon examination of those Acts, there is no contradiction of what has been stated in the Rural Lands Protection Act 1998. Examples of other Acts are the Crown Lands Act and the Noxious Weeds Act, just to name a couple.

With close examination of Part 8, it was determined that there are five different ways that stock may exist on a roadway – they are:-

1. Travelling stock;
2. Grazing stock on reserves and stock routes;
3. Roadside grazing;
4. Moving of stock from property to property; and
5. Straying stock.

As well as the different forms of grazing, the Act talks about the relevant areas of grazing and they are:-

1. A controlled stock reserve;
2. A managed stock reserve;
3. Public roadways;
4. Others – eg. Crown roads, forest roads etc.

Council is the authority for all public roadways. As stock reserves exist mostly on public roadways, Council is involved with all aspects of grazing stock on roadsides regardless of the description of the road, except of course for Crown roads, forest roads or any other private roads and, as stated earlier, freeways and tollways. The difference between "controlled" and

“managed” stock reserves in the Act is not clear, however, advice from the Legal Section of the RLPB indicates that it is related to whether they have been gazetted or not. However, on the face of it, this does not change the situation with regard to roadside grazing.

I wish now to give a clear description of the five various reasons that stock may be on a public roadway and where council has the authority to have a say in whether the stock can be on that public roadway or not.

1. Travelling Stock



Travelling stock is described as a mob of sheep, cattle or other animals that is travelling along an approved route at a rate of approximately 10km per day.

One need only obtain a permit from their local RLPB that covers the area they wish to travel and generally, travelling stock will be on stock routes and stock reserves for Junee Shire as shown on Annexure 1.

There are exceptions to the rate of travel. Permits can be given for a slower rate of travel for various reasons (eg. animals that may be suffering from malnutrition). They may have a permit to travel less than 10km per day depending on the health of the animals. The rate of travel is also determined somewhat by the distance between the stock reserves. This is important because one of the things that is stressed, in the Rural Lands Protection Act, is that all stock must be off the roadway between the hours of sunset and sunrise. This means that travelling stock need to be secured at night and mostly, this occurs in fenced stock reserves. It generally means too, where their water supply is and the stock obviously need water on a daily basis.

A person travelling stock can deviate from the traditional stock routes and be authorised to travel along council’s public road network, however, it must be remembered that they must be off the roadway by dark – so it means that they cannot travel too far from their route that enables them to get back to a stock reserve by nightfall. A person travelling stock needs only the authority of, and a permit from, the RLPB. A copy of a typical RLPB permit is attached to this report as Annexure 2. I must stress, at this point, that a person travelling stock needs no approval from their local council to travel on the stock routes or public roads within the council’s area.

2. Grazing Stock on Reserves

This form of grazing occurs when a person with a mob of stock is given a permit to linger in one area for an extended time. This usually occurs in flush conditions with abundant feed available on the reserve and on the nearby stock routes.

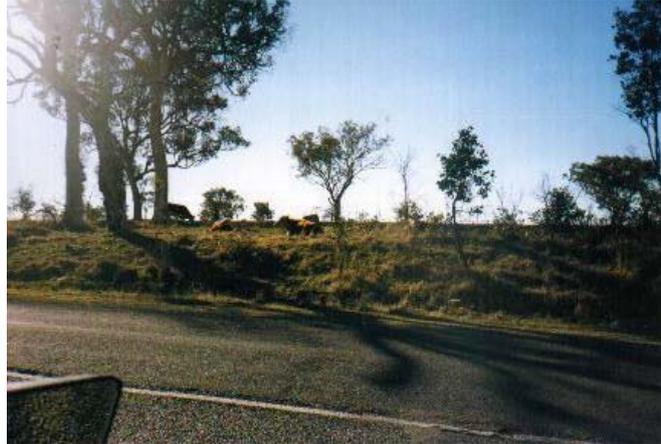
The permit allows the person responsible for the mob to use the stock reserve as a base for several days and on occasions, travel out on the stock routes, grazing slowly, and returning to the same stock reserve at night to be enclosed.



This is an interesting aspect of roadside grazing as the RLPB officer that I had discussions with had the impression that council's authority was not required to carry out this practice. However, with strict reading of the Act, it is quite explicit in its definition of what requires council's authority. The only grazing that does not require council's authority is for travelling stock. So this form of grazing would require council's permission.

3. Roadside Grazing

Roadside grazing is the practice where farmers take their stock from their farm paddocks out onto the roadway to graze the grass that exists on the roadway generally in front of or near their property. This has occurred a great deal lately all over the state because of the severe drought. In good years there would be very little pressure on councils from farmers wanting to graze roadsides.



The Act is quite clear in this instance, and I refer to the Rural Lands Protection Act 1998 (updated December 2002). Part 8, clause 101 titled "*Stock Permits Authorising Certain Uses of Controlled and Managed Travelling Stock Reserves and Public Roads*" paragraph 3 states:-

"A stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of -

a) in the case of a public road that is not a Crown road, the local authority in which the road is vested."

This reference probably forms the centre-piece of the whole understanding of roadside grazing where it clearly defines the difference in the permit requirements between travelling stock and grazing stock. Obviously what it means is that if a farmer is to graze stock on the road in front of his property, he needs a permit from the RLPB but, more importantly, he cannot obtain that permit unless he has permission from his local council to graze that particular road. It was this point that allowed Junee Shire to formulate a policy with regard to roadside grazing. Annexure 3 outlines the conditions that the grazier is required to meet before roadside grazing will be allowed. I will discuss those conditions later in this paper.

4. Movement of Stock from Property to Property

Property movements cover the situation where a farmer owns properties on both sides of the road or owns another property along the road with some distance between them. Property movements are common and because the nature of the situation is that the stock are "travelling", then they fall under the criteria of Travelling Stock and they do require a permit from their local RLPB, however, they do not require permission from the local council to carry out these movements.

In discussions with the RLPBs generally, what they do in our area is issue an Annual Stock Movement Permit (Annexure 4) which is sent out with their RLPB Rates and paid

for as part of the Rates. This covers the farmers on any day of the year when moving stock across, or up and down, the road between their own properties.



One interesting point that comes out of this area with regard to property movements is that the only exception in the Act, for stock that are able to be on the road at night-time, is for dairy cattle to be taken from their grazing paddock to a dairy. In shires that have dairies, this could create some real problems that need to be addressed.

As stated above, all other stock movements must be off the road between the hours of sunset and sunrise, with the only exception being dairy cattle.

My advice to any council that is dealing with the problems of dairy cattle crossing their roadways is that they need to treat each case individually. Going back to basics, however, the cattle have:-

- a) a right to cross the road; and
- b) they do not require council's permission to do so.

However, under the Roads Act, it is illegal for any person, vehicle etc. to drop any waste onto a roadway and especially waste that may be considered a danger to the travelling public. The reference is: Roads (General) Regulation 2000, Part 2, Division 3 – Protection of Roads and Traffic, clause 11 – Things placed on and use of roads. Paragraph 1d) *“A person must not allow to escape onto a road any liquid or any loose or waste material”*.

It is felt that, under this piece of legislation, council has a right to negotiate with any dairyman that may be in the situation of cattle travelling across the road at any time of the day. Negotiations may include things such as conditions of a development consent, if it is a new proposal or, if it is an old and existing development, the use of the Regulation quoted above may give the council some power to implement sound traffic management practices for this crossing. For instance, if there are cattle crossing at night, a good risk management technique needs to be employed with a well documented Traffic Control Plan (TCP) to make the situation as safe as possible for both the road users and the dairymen with their cattle.

5. Straying Stock

Straying stock are obviously defined as those stock that have escaped from their normal enclosure – either from a private property or from a stock reserve – and are moving along the roadway in an uncontrolled manner. Straying stock can often cause problems for the local council that revolve around the need to impound them once they are found to be causing a nuisance to the travelling public. Through this process, Junee Shire has also examined it's techniques for the

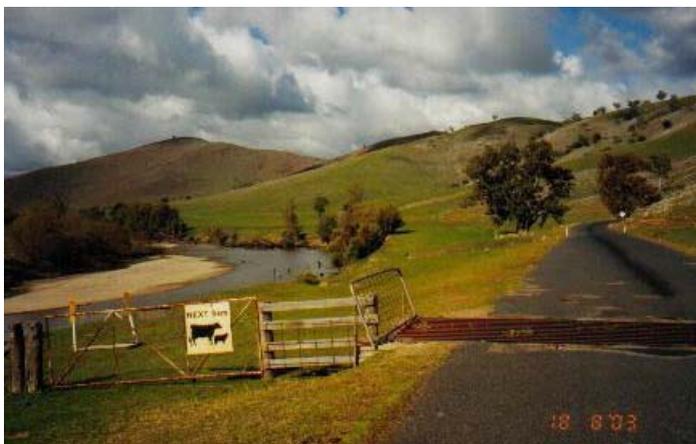


management of straying stock and have also developed a policy and work method to handle that situation. A copy of the Work Method adopted by Junee Shire Council is attached as Annexure 5 and basically, talks about the fact that Council does not have the expertise or equipment, eg. Horses, dogs or suitable impounding yards to realistically manage straying stock that could be 20-30km from council's home base.

The Rural Lands Protection Act clearly states that all stock are the responsibility of the owner of the stock or the property from which they came. Junee Shire has concluded that our duty of care should be to the travelling public and not necessarily the stock. Due to the difficulty – if not impossibility – of trying to manage stock at night (which is often when the straying stock problem occurs) Junee Shire Council has concluded that, rather than try to herd the stock to any pre-determined location, we merely patrol the section of road where the stock are straying to ensure that they do not travel onto the roadway and providing whatever warning we can, ie. flashing lights, signage etc. to warn the travelling public that there is something happening on the roadway. This patrol would be kept up until daylight when a more robust solution to the problem can be found. Because of the value of stock lately, it generally does not take too long to locate the owners of the stock, at which time a full cost recovery process would be implemented to cover council's endeavours during the night.

CREATION OF STOCK ZONES

Under the Rural Lands Protection Act, to allow any grazing to occur on the roadside, a Stock Zone must be created. For 99% of cases, this is identified as a "Temporary Stock Zone". The Act also talks about "Permanent Stock Zones", however, through some research within the Legal Section of the Rural Lands Protection Board, it is found that they are an instrument of the local council, ie. they require the local council to establish them.



There seems to be some confusion with regard to Stock Zones – whether they be permanent or temporary - and I have attempted to clarify them. The only time that a "Permanent Stock Zone" can be created is with permission of the council. The only situation in which I can envisage this occurring is where there is continually a large number of stock movements on a particular section of road. The creation of a "Permanent Stock Zone" needs to be done with caution, however, because we all realise that

the over-use of any signage "white-washes" the effect of the sign.

Several properties throughout our Shire, which have regular crossings of roadways, have applied to Council for "permanent" stock signs, however, they have still been treated as a "temporary" stock zone and our latest practice is to ensure that the signs - even though permanently mounted – are a fold-up design so that when the stock are not crossing the road, the sign is closed and unreadable to the travelling public. We have several instances from years gone by where "permanent" stock signs have been erected, however a "permanent stock zone" has not been created.

Most of the stock zones created in any local government area are of a temporary nature. The Act is quite clear on how the stock zone is created and that is simply by erecting a stock sign at a point 200m before a motorist is likely to encounter stock and for a maximum distance of

5km. The stock sign needs to meet the relevant Australian Standards, however, the Act is quite clear in stating that it does not matter what picture of stock is on the sign, the sign is relevant for all and any stock.

The other condition of a “Temporary Stock Zone” is that the stock within that zone are permanently controlled by a responsible person. The person in control of the stock must ensure that the stock are kept off the roadway as much as possible. Some councils and the RTA insist, as a condition of roadside grazing, that electric fencing tape be placed along the shoulders of the road to ensure that the grazing stock do not drift from one side of the road to the other.

Another area of interest for grazing stock is unfenced public roadways. These are not only very common in the western parts of the State but are also quite common through some of the mountain and slopes areas of New South Wales. Initially, the RLPB Inspectors and myself thought that it was natural that unfenced public roads would have the status of a “Permanent Stock Zone” however, upon closer examination of the Act, this is not the case and unfenced public roads are still treated as a “Temporary Stock Zone”. The only slight variation is that the sign must exist on the property boundary or gateway, which means that the 200m rule for when the motorist is likely to encounter stock, does not apply.

As an interesting side to this situation, I know of a farmer who did not erect these signs, as an unfenced public road travelled through his property, and a logging truck ran into and killed one of his prize Angus bulls. As a result of him not having the sign up, he was liable for all damage to the truck, including loss of production, which amounted to some \$18,000.00. If the signs had been on his property boundary, the truck owner would have been liable for the loss of his stud bull which was worth about \$10,000.00. So, signs on unfenced public roads are extremely important to help clarify the situation when a car/truck does have an accident involving the stock on that property.

SIGNAGE

An important point that should be made with the use of Stock Zone signage is that when the stock are not on the road, these signs must be removed for all of the obvious reasons, and I am sure that many of you would have travelled the roads and seen these stock signs but not seen any stock at all which, once again, “white-washes” the effect of the signage.

The RLPB Regulation talks about a 200 penalty point fine (which today is \$2,200.00) that can be imposed on anyone leaving a Stock Zone sign on a public roadway when there are no stock about.



One point that I made to the RLPB at our meeting is that I felt that the signage required to create a “Temporary Stock Zone” was grossly inadequate for this day and age and I felt that they should look more closely at their signage requirements.

I have included the new requirements of the RLPB (Annexure 6) that are placed on stock owners with regard to providing signage and thank Heavens, it is a much larger sign than that required in the past. However, I still have a personal belief that as traffic volumes increase on roadways, the use of pre-warning signage should also be necessary.



I have observed farmers who have been grazing stock on the state road network through Junee Shire, which is carrying approximately 2,000 vehicles per day at 100km/h. Their experience tells them that they need to give as much warning as possible on the roadway to try and slow the drivers down. Several of these farmers have gone to great lengths by placing pre-warning signs, red flags, flashing lights on their motorbikes and vehicles as well as having the people in control of the stock wear safety vests.

One farmer reported to me that he had done the job so well that motorists actually stopped and thanked him for making such an effort to warn them that stock were on the road. It is my personal belief that the RLPB should look much more closely at endeavouring to become better aligned with the latest WorkCover requirements as well as the Australian Standards for road signage and protection of the workers which, of course, drovers are.

AUTHORISED OFFICER

Clarification is needed regarding which persons are authorised to check permits held by people in control of travelling or grazing stock. The Rural Lands Protection Act quite clearly indicates that the only people who are authorised officers are:-

1. Rural Lands Protection Board Stock Inspectors; and
2. The Police.

Council Ordinance Inspectors are not “authorised officers” and are not authorised to check on permits held by persons grazing roadsides. There are, however, several ways around this if a council wishes to be more pro-active in the control of travelling stock and roadside grazing.

Council officers can be an “authorised officer” provided the local RLPB has sanctioned the application from the council and have resolved at their board meeting to authorise a council officer to inspect permits. Our council has not yet done this and, in discussions with our Ordinance Inspector, it is not certain whether this is essential.

Junee Shire Council’s Ordinance Inspector uses the Noxious Weeds Act to at least stop and inspect any travelling stock moving through the Shire, and in some cases even roadside grazing stock, on the basis that he is looking for noxious weed seeds that may be attached to the tails or hocks of the stock. He then usually asks the drover for a look at his permit and mostly, this request is met favourably. However, in strictly adhering to the Rural Lands Protection Act, a council would need to apply to their local RLPB to have their ordinance inspector authorised.

LIABILITY ISSUES – IF A CRASH WAS TO HAPPEN

This, of course, is the burning question and probably one of the main reasons that I was asked to present this paper. The first comment that I make is that all cases are going to be treated differently. Secondly, I am not a solicitor. I am making my opinion here basically on

my interpretation of the Act and I feel that if people want to investigate the full legal implications, they should do so with their own advisors.

My interpretation of the Act leaves me with no doubt that the owner and carer of the stock is, at all times, responsible for the stock. There is nowhere that I can see that – at any time – the council has any responsibility for stock anywhere, and especially when they are on roadways. However, the council does have a duty of care to the travelling public and it is from that viewpoint that I think councils need to ensure that they have as much protection as possible to cover any situation that may arise.

The obvious time when council can influence the situation is when they issue their approval to graze stock on a roadside. Junee Shire Council, through the development of their policy, have established that permission will only be granted to graze stock on a roadside if there is clear evidence that the farmer has Public Liability Insurance, and - taking that one step further – that the farmer nominates Junee Shire Council as an “interested party” on the policy.

Initially we thought that all farmers would have Public Liability Insurance for all the other good reasons however, as applications came to us, it was found that some did not have any Public Liability Insurance whatsoever – certainly a great risk to take on their own property, let alone on a roadside.

The “good” farmers obviously did have Public Liability Insurance and, with a phone call to their broker, were able to have a Certificate of Currency for their policy faxed to us - with Junee Shire Council noted on it as an “interested party” - within 30 minutes to 1 hour of them requesting the proof of insurance. Some of the other applicants quickly obtained insurance and complied with council’s requirement. A few decided that they would not take their stock onto the roadside as they had no insurance. It was certainly felt that to “weed out” the farmers who were uninsured was an achievement. Once the applicant had complied with our insurance requirement our letter of approval was given, enabling them to obtain their permit from the RLPB.

If a car was to crash into a mob of cattle/sheep on a roadway, what would be a possible scenario – insurance wise? My understanding of the Act is that because the stock have the right to be on the road - provided they are within a properly signposted “temporary stock zone” and controlled by a responsible person - the stock owner has no insurance responsibility to the vehicle owner. In fact, the owner of the stock would be able to seek compensation for the loss of or injury to any of his stock. If, however, the above conditions were not complied with, ie. the stock zone signs were not in place or the stock were not being cared for properly by a responsible adult, then the vehicle owner would have all right to seek full compensation from the stock owner – assuming the stock owner can be found.

One revelation that concerns me which has come about through this investigation is that the RLPB, when issuing permits for travelling stock, make no check whatsoever as to whether the drover or owner of the travelling stock has any Public Liability Insurance. This matter certainly needs to be addressed – though I am not sure by who. I am confident that in most cases the stock owner would definitely have Public Liability Insurance, however, there is no cross-check to ensure that this is so. I feel that possibly, the insurance industry could take this matter up with the RLPB as it would not be a difficult thing to ensure that their permits would only be issued on the basis of evidence of insurance held.

In regard to the situation with straying stock, as stated earlier, the stock are always the responsibility of the stock owner. Once again, if straying stock were to cause an accident then the vehicle driver is able to seek full compensation from the stock owner for any damage incurred by him or his vehicle. The Act does give the property owner some defense and I use the example of say, a tree falling across a fence at night during a wind storm and

cattle getting out onto the road and causing an accident. This is a situation that is defensible by the stock owner, however it is not defensible if the stock are regularly getting through a poorly maintained boundary fence. My advice to any owner of a property that borders on a road - and especially a state or regional road – is that they ensure that they have a very clear and concise understanding that their public liability insurance covers them for stock escaping from their paddocks onto a roadway.

SUMMARY

I hope that this paper has alleviated some of the confusion that has existed - both within council's and the Rural Lands Protection Board – about the situation with regard to the different types of grazing on roadsides.

Stock have a right to be on the road.

The owner of the stock are at all times responsible for the stock.

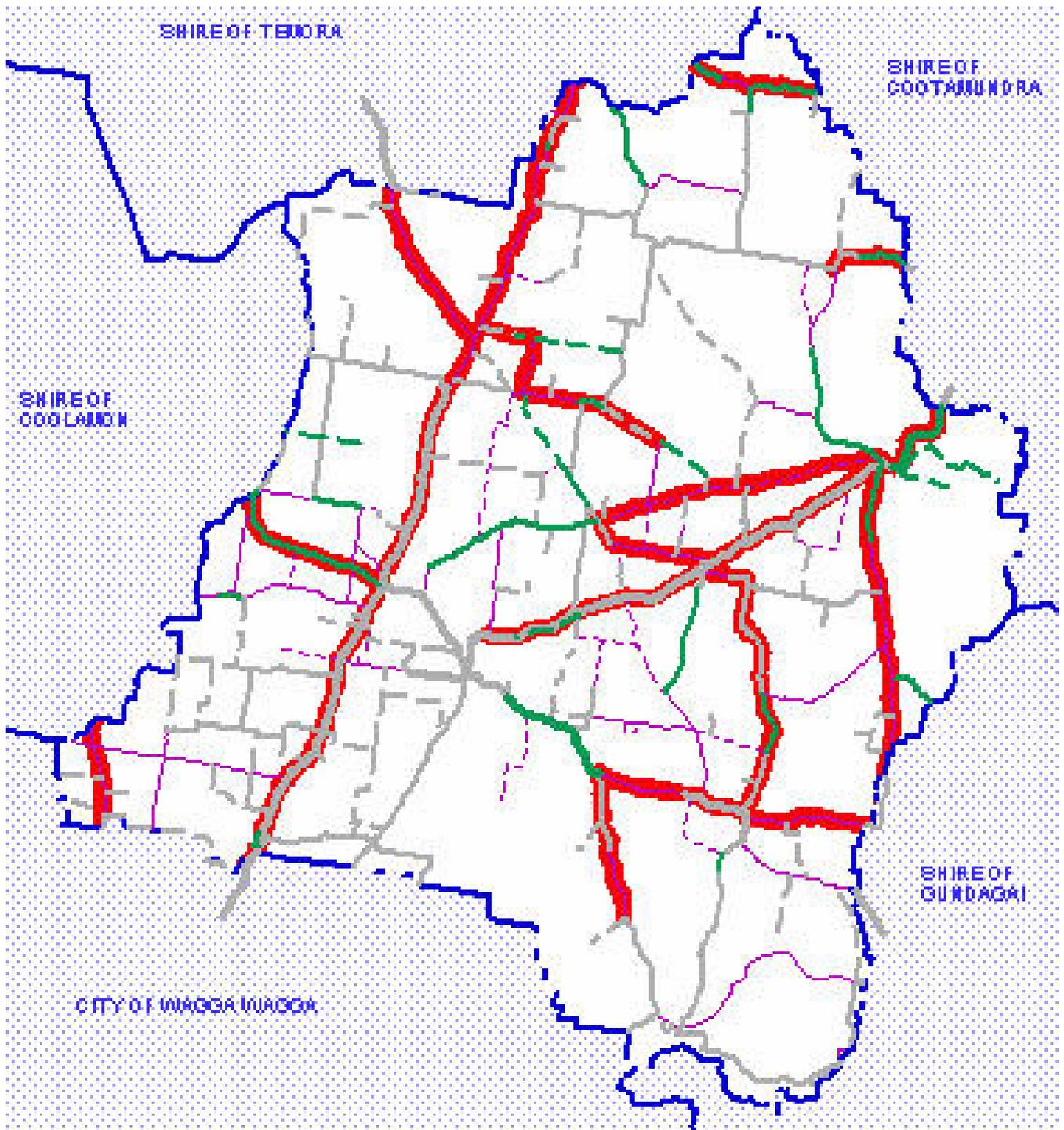
Council must give permission for any grazing activity that is undertaken on a roadside.

The only exception to the “council required” permission is “travelling stock”, which are identified in the Act as travelling 10km per day or stock travelling from one side of the road to the other or from one part of a property to another along a roadside.

In all other instances, application must be made to the council.

Councils generally need to take the opportunity on this form of application to place conditions on the grazing of stock. The most important condition is the fact that the stock owner has sound Public Liability Insurance that covers his activities on the roadside. Councils may also place other conditions on the approval relating to remnant vegetation, road works etc.

A temporary stock zone must be created for all stock whilst on a roadway.



-  Travelling Stock Routes
-  High Conservation Roads
-  Medium Conservation Roads
-  Low Conservation Roads



FORM 6 - STOCK PERMIT
Rural Lands Protection Act 1998 - Part 8 Division 5, Section 101

17315

Rural Lands Protection Board

Phone: _____ (address) Fax: _____

Date Issued Date of Commencement Expiry Date

This permit authorises the stock described below, on the location described below and in accordance with the conditions of this permit to: *(please tick)*

- Walking/Slow Travel** – walk at the prescribed rate to the destination by the route specified;
- TSR Grazing** – graze on the travelling stock reserve described at location below;
- Roadside Grazing** – graze at the location described below, being a road under the control of the Shire Council / RTA

No of Head	Breed/Type/Sex of Stock	Stock Identifications

	Owner of Stock	Person in Charge of Stock
Name:		
Address:		
Phone Number:		
Mobile Phone Number:		

Place of commencement (or grazing location):
 Destination (Walking/Slow Travel) & distance: kms

Authorised Route of Travel
 Approval (if any) for Slow Travel and/or special conditions

Conditions (below and attached)

1. Stock must be inspected by the person in charge and deemed to be free of disease prior to entering a TSR or public road.
2. Stock must be yarded at night in a secure holding paddock or free standing break which does not use a boundary fence, or otherwise approved by the Ranger.
3. Stock signs must be displayed at all times when stock are not in a secure holding yard, and signs removed when stock are not present.
4. A person will be in attendance with the stock unless otherwise approved by the Ranger.
5. Walking stock have right of way and access at all times.

Note – it is an offence under the Stock Diseases Act 1923 to walk or graze infected stock on a public road or TSR.

Warning

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 Board has no control. Any person using travelling stock reserves and roads must satisfy themselves as to the risk. A condition of the issue of this permit is that no claim shall be made against the Board, its directors or employees for any loss or injury resulting from pesticides, chemical or plant poisoning on any land on which stock travel under this permit.

I hereby agree to abide by the relevant provisions of the Rural Lands Protection Act 1998 and the conditions and fees relating to this permit.

Signed *(owner or person in charge of stock)* Date:

Signed *(Authorised Officer of the Board)* Date:

Our Ref: D03.3401 CJM:NJH
(Date)

(Stock Owner)
(Fax: 02 69??)

Dear Sir

Re: Approval to Graze Stock on Council's Roads

I refer to your request for approval to graze stock on Council's road/s, namely ???, in the vicinity of your property at ??? In order for Council to support an application to the Rural Lands Protection Board for a permit to graze stock on Council's roads, the following conditions must be met:-

1. All conditions under the Rural Land Protection Act and Stock Diseases Act must be complied with;
2. Stock must be personally supervised at all times and grazed in daylight hours only;
3. As Council's Public Liability cover does not extend to include liability incurred through roadside grazing you, as the stock owner, must arrange for your own Public Liability Insurance to be extended to cover this liability. This cover must be for at least \$15,000,000.00 and include Juneee Shire Council as an "interested party". The applicant must submit a Certificate of Currency for their Public Liability Insurance, prior to Council issuing a letter of support for the permit.
4. Council has the right to refuse permission if it feels that road conditions may be compromised due to grazing. For example, Council may have completed, or are about to commence, road works which could suffer damage under stock or, the road in question may have a high conservation value according to Council's Roadside Vegetation Survey, in which case normal grazing procedures may have to be modified.
5. All consideration must be given to the travelling public, in that:-
 - a) Signage must be of the type and size according to the Rural Land Protection Act 1998. Further information can be obtained by contacting your local Rural Land Protection Board.
 - b) Signage must be erected at least 200m from the closest stock.
 - c) Stock should not be allowed to spread more than 1km along the road.
 - d) Signs should be erected in a sensible location, ie not just over a crest or hidden in grass or behind a bush.
 - e) Signs should preferably be attached with suitable brackets to the top half of Council's guide posts or a steel post.

This approval is issued subject to a permit being secured from your local Rural Lands Protection Board.

Yours faithfully

Col Macaulay
Manager Engineering Services

NB: Certificate of Currency for insurance cover has been submitted.



Wagga Wagga Rural Lands Protection Board

Telephone (02) 6921 3034

17 Trail Street

PO Box 513

All communications
to be addressed to the
Administrative Officer

Facsimile (02) 6921 8365

WAGGA WAGGA 2650

WAGGA WAGGA NSW 2650

Email waggarpb@waggarpb.nsw.gov.au

FORM 3B ANNUAL STOCK MOVEMENT PERMIT
Rural Lands Protection Act 1998 Part 8 Div 5 Sec 101

Permit number
Assessment

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This permit is issued subject to compliance with provisions of the Rural Lands Protection Act 1998 and any conditions referred to on this page and overleaf/attached and authorises the person named above to move stock owned by that person along a public road or travelling stock route in the circumstances referred to hereunder

WALKING STOCK to move such stock between the hours of sunrise and sunset on any day if the entire journey to the final destination is undertaken between those hours on the same day between the properties specified below

OR

TRANSPORTED STOCK to move such stock by vehicle within the boards district on any day between the properties specified below

From	To
Route	
Distance 10	
Special Conditions	

Duration of permit - from 14/08/2003 to 31/03/2004

- CONDITIONS:**
1. If the stock owner is also the owner/occupier of both/all of the properties referred to above then this permit authorises stock movement for any purposes
 2. If the stock owner is NOT the owner/occupier of both/all of the properties referred to above, then this permit only authorises stock movements for the purpose of shearing, dipping, crutching, branding, earmarking or other treatments associated with good animal husbandry practices.
 3. Under no circumstances does this permit authorise the movement of stock to or from saleyards or abattoirs.
 4. This permit does not allow for grazing. The shortest route to the destination must be taken in the shortest possible time.
 5. NOTE: It is an offence under the Stock Diseases Act 1923 to graze or move infected stock across or along a TSR or public road

I hereby agree to abide by the relevant provisions of the Rural Lands Protection Act 1998 and the fees and conditions relating to this permit.

Signed Date

Signed Date

authorised officer of the board

JUNEE SHIRE COUNCIL WORK METHOD FOR HANDLING STRAYING STOCK – APPROVED AT COUNCIL MEETING ON 19 AUGUST 2003

The impoundment of stock - namely cattle, sheep and horses – has for a considerable time been a problem for Junee Shire Council and, for that matter, most other councils. Council does not have under its control any suitable stock yards for the purpose of impounding stock, nor does it have trained stockmen, stock horses and dogs etc. The problem that usually arises involves a police call in the middle of the night reporting that several horse/cattle/sheep etc. are rampaging along one of the two highways that run through Junee Shire.

The police see the problem with regard to traffic and its safety, and request that Council do something immediately to avoid a serious situation occurring. Council's Noxious Weeds & Environment Officer (NWEO) is contacted and sent to the location of the last reported sighting of the stock. Traditionally, the stock are then pushed through the nearest gateway to remove the danger from the roadway. This practice however, is not sound as there is a good chance that the stock have not come from the property on which they are placed. Under the Stock Diseases Act, this could have serious ramifications for Council as well as some irate ratepayers who have found stray stock mixed up with theirs.

Obviously all efforts are made to contact the owner of the stock, however, if the stock have travelled several kilometres, it is sometimes difficult to contact the owner until daylight when stock brands or markings can be more easily seen. After discussions with Council's NWEO, Council's Engineering staff gave this matter serious thought and it is felt that the best solution for controlling stock in the middle of the night is as follows:-

1. When the telephone call is received by Council's NWEO, that an as accurate as possible location of the stock be determined and then telephone calls made to the nearby property owners to ascertain if they are missing any stock. If so, they should be requested to assist in getting the stock off the roadway and into one of their paddocks.
2. If the owner of the stock cannot be found, then an assessment should be made as to whether the stock are likely to cause a hazard to the travelling public. Items to be considered are traffic volume and speed. If the stock are loose on either of the State highways through the Shire, then Council has a duty of care to the travelling public on those roads in particular, because many of them are travelling in the knowledge that there should be no stock on or near the roadway.
3. If it is determined that the stock may cause a hazard to the travelling public, then either the NWEO or a designated "call-out" person should be put on the site to monitor and patrol the road in the vicinity of the straying stock. They are not to interfere with the stock other than if they threaten to walk on or near the roadway. This patrol and observation would be kept up until daylight, at which time a more vigorous effort can be made to contact the owner of the stock.

The reason for putting this strategy in place and having it formalised by Council is that it is a new approach to risk management with regard to straying stock. Council's responsibility is not to the stock. This is always the responsibility of the owner of the stock or the owner of the property from where the stock came. Council's responsibility is to show a duty of care to the travelling public. Council does not have properly trained staff and resources to handle stock during the day let alone at night with all sorts of occupational health and safety risks associated with moving around in the dark on foot or in vehicles in an attempt to control stock that are probably terrified of their new environment. In fact, this may actually cause the stock to bolt across a road and cause an accident. Council's responsibility to the travelling public would be well served by a patrol vehicle with flashing lights monitoring the stock, while moving along the road with them and ensuring that they did not come onto the roadway.

RESOLVED that Council adopt procedure, points 1 to 3, as outlined in the report, as a recognised work method for handling straying stock and further that the owner of the stock e invoiced for Council's costs in attending to the stock.



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State Council Information

Dimensions of Stock Warning Signs

To:	Board Directors <input checked="" type="checkbox"/>	Contact Officer:	Clyde Alchin
	Administrative Officers <input checked="" type="checkbox"/>	Phone:	6391 3679
	Administrative Assistants <input checked="" type="checkbox"/>	Email:	clyde.alchin@agric.nsw.gov.au
	District Veterinarians <input checked="" type="checkbox"/>		
	Rangers <input checked="" type="checkbox"/>		
	Field Assistants <input type="checkbox"/>		
Core Area:	AH <input type="checkbox"/> CM <input type="checkbox"/>	Date:	13 February 2003
	PAI <input type="checkbox"/> TSR <input checked="" type="checkbox"/>		
Information No:	INF03 14	Pages Including Cover:	1

Part 4 of the Rural Lands Protection (General) Regulation 2001 requires persons in charge of stock on a public road to display stock warning signs. Temporary stock warning signs are defined in Clause 15 of the Regulation to be ones displaying the particulars, or of a type, approved by State Council.

State Council has previously approved of the dimension of stock warning signs being no less than 750mm x 750 mm. This is the same size as those that were prescribed under the Rural Lands Protection Act 1989.

However, it has now been established that certain manufacturers of such signs have been making them of different dimensions. I have received confirmation that the Australian Road Rules prescribe that warning signs are to be 900 mm x 600 mm for rural roads and 1200 mm x 900 mm for state roads. The stock sign manufacturers referred to above have been using these dimensions.

It is important that the signs approved by State Council also take into account the dimensions referred to under the Australian Road Rules. Accordingly, State Council has also approved of stock warning signs of a dimension referred to under the Australian Road Rules being acceptable under the Rural Lands Protection Act 1998. In due course it appears that all newly-manufactured stock warning signs could be of those dimensions.

Notwithstanding the above comments, the "750 mm x 750 mm signs" will not be redundant until they are worn out.

APPROVED

Signed

Clyde Alchin

Regulatory Manager

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