

Powers under the LLS Act

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These fact sheets are a guide only and are not substitute for legal advice.

Overview

This fact sheet was prepared for staff of Local Land Services (LLS) as part of EDO NSW's 'Environmental Law for Environmental Decision-Makers' project. They complement a series of full day professional development workshops on environmental laws held in 2016. This project was supported by the NSW Government through its Environmental Trust.

For more information about EDO NSW's Professional Programs, please contact education@edonsw.org.au.

This fact sheet provides information on the powers of LLS under the *Local Land Services Act 2013* (LLS Act).

Power to enter premises

- Authorised officers may enter any premises (except residential premises) for the purpose of exercising a function that they are authorised to exercise. They can take any other people, as well as any vehicles, horses and dogs that they consider necessary to enable or assist them to exercise the function concerned. They can also request the assistance of police officers: **LLS Act, ss 164, 179.**
- Authorised officers can only enter residential premises with the occupier's permission or a search warrant: **LLS Act, ss 171, 178.**
- Authorised officers must carry their ID card and produce it if requested to do so: **LLS Act, s 169.**
- Before entering a premises, authorised officers must give the required oral or written notice, unless:
 - the occupier of the premises has given consent, or
 - entry has been authorised by a search warrant, or
 - entry is required urgently and the authorising authority has authorised the officer to enter without notice, or
 - entry is required to eradicate any pest kept in captivity without lawful authority: **LLS Act, s 173.**

- Authorised officers may only use reasonable force for the purpose of gaining entry to premises if the authorising authority has given specific written authorisation for them to do so. Authorised officers must do as little damage as possible when entering premises, and may be liable to pay compensation for damage caused by entering premises if they were not obstructed, hindered or restricted by the occupier: **LLS Act, ss 174, 176, 177.**

Power to stop and search vehicles transporting stock

- Authorised officers have the power to stop and search vehicles if they believe on reasonable grounds to believe that the vehicle is being used to transport stock: **LLS Act, s 123.**

Powers concerning the eradication of pests

- Authorised officers have a number of powers in relation to the eradication of pests, including carrying out work on controlled land, and destroying pests or requiring the a person in possession of a pest to destroy it: **LLS Act, ss 151, 152.**

Power to recover compensation for damage caused to or on travelling stock reserves

- If a person damages a controlled travelling stock reserve, or damages or destroys any structure or work located on a controlled travelling stock reserve, LLS may recover an amount equal to its expenses in rectifying the damage or replacing the destroyed structure or work: : **LLS Act, s 104.**

Power to serve penalty notices

- Authorised officers have the power to serve penalty notices for certain offences under the LLS Act or Regulation. Penalty notice offences and penalty amounts are listed in Schedule 2 to the Regulation: **LLS Act, s 189; LLS Regulation, cl 88, Schedule 2.**