



ANNO TERTIO

GEORGI VI REGIS.

A.D. 1939.

No. 25 of 1939.

An Act to enact certain provisions (including certain amendments of the Pastoral Act, 1936), with the object of preventing the erosion of soil, and for purposes incidental thereto.

[Assented to 30th November, 1939.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title. 1. This Act may be cited as the "Soil Conservation Act, 1939".

Interpretation. 2. In this Act, unless the context otherwise requires or some other meaning is clearly intended—

"Committee" means the Advisory Committee on Soil Conservation appointed under this Act :

"Minister" means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor :

"The Land Board" means The Land Board constituted under the Crown Lands Act, 1929-1936 :

the "Pastoral Board" means the Pastoral Board constituted under the Pastoral Act, 1936 :

"soil conservation reserve" means a soil conservation reserve created under this Act.

Incorporation. 3. (1) This Act is incorporated with the Compulsory Acquisition of Land Act, 1925, and any person acquiring land for the purposes of this Act shall be regarded as the promoter of an undertaking within the meaning of that Act, and the creation,

improving and management of any soil conservation reserve and the construction and execution of any works under this Act for prevention of soil erosion, or for the conservation of soil or for conducting research, shall be regarded as undertakings within the meaning of that Act.

(2) The section of this Act amending the Pastoral Act, 1936, is incorporated with that Act.

Administration.

4. (1) The Governor may appoint an Advisory Committee on Soil Conservation for the purposes of this Act. The Advisory Committee.

(2) The Committee shall consist of such number of persons not exceeding seven as the Governor determines.

(3) Two members of the committee shall be persons with practical experience in the pastoral industry.

(4) The Governor shall appoint one of the members of the Committee to be the chairman thereof.

(5) Subject to this Act, every member of the Committee shall hold office for a term not exceeding three years and subject to the terms and conditions determined by the Governor at the time of the appointment of such member.

(6) The Governor may dismiss any member of the Committee from his office, if he has been guilty of any act or conduct which in the Governor's opinion renders him unfit to be a member of the Committee.

(7) The office of a member of the Committee shall become vacant if—

(a) he dies :

(b) he resigns by writing addressed to the Minister :

(c) he is dismissed from office by the Governor under subsection (6) of this section.

(8) A member of the Committee shall not be regarded as a public servant within the meaning of the Public Service Act, 1936-1938, by reason only of his office as such a member.

5. The members of the Committee shall receive such remuneration (if any) for their services as members, as the Governor determines. Remuneration of Committee.

6. The duties of the Committee shall be to advise the Minister on such matters relating to soil erosion and soil conservation as are referred to the Committee by the Minister. Duties of the Committee.

Powers for Soil Conservation.

Power of entry.

7. (1) Any of the following persons, namely, the Minister, any member of the Committee or any person authorized in writing by the Minister may, for the purpose of or in connection with the exercise or performance of any power, authority, duty or function conferred or imposed by or under this Act, or for the purpose of deciding whether to exercise or perform any such power, authority, duty, or function—

- (a) enter upon any land :
- (b) make any survey, inspection or investigation of or upon any land :
- (c) place, erect, or make on any land any peg or mark which he deems to be necessary.

(2) Any person who—

- (a) prevents the Minister, any member of the Committee, or any person authorized as aforesaid from making any such survey, inspection, or investigation or from placing, erecting, or making any pegs or marks on any land ; or
- (b) obstructs or hinders the Minister or any such member or person in making any such survey, inspection, or investigation or in placing, erecting, or making any pegs or marks on any such land ; or
- (c) removes or interferes with any peg or mark placed, erected, or made on land under this section,

shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

(3) This section shall not be construed so as to take away or abridge any power conferred on any person by the Compulsory Acquisition of Land Act, 1925, but the powers conferred by this section shall be in addition to those conferred by the said Act.

Power to acquire land.

8. (1) The Minister may, for the purpose of the creation of soil conservation reserves, or of the exercise or performance of any power, authority, duty, or function, conferred or imposed on any person by this Act, acquire any land by purchase or compulsory process.

(2) Any provision in any lease, agreement, or licence by which a power of resuming land comprised in such lease, agreement, or licence for public purposes is conferred on the Governor or any Minister of the Crown shall be deemed to confer power to resume such land for the creation of soil

conservation reserves or for the exercise or performance of any power, authority, duty, or function conferred or imposed on any person by this Act.

9. (1) The Governor may by proclamation—

Power to
declare soil
conservation
reserve.

- (a) declare any land acquired or resumed under this Act or any land resumed under any other power to resume land for public purposes, or any other land which belongs to the Crown and is not subject to any lease, agreement or licence, to be a soil conservation reserve :
- (b) add any land, being land such as is described in paragraph (a), to any soil conservation reserve :
- (c) declare that any land shall be excluded from any soil conservation reserve :
- (d) revoke any proclamation in force under this section.

(2) Every soil conservation reserve shall be under the control and management of the Minister, and the Minister shall manage and control every such reserve in such manner as he thinks will best conserve the soil of such reserve and prevent injury to any other land.

(3) If any person without the consent of the Minister—

- (a) removes from any soil conservation reserve the whole or any part of any tree, shrub, grass or other plant whatever ; or
- (b) injures or destroys any tree, shrub, grass or other plant on any soil conservation reserve ; or
- (c) places any stock or causes or permits any stock to be placed, on any soil conservation reserve, or permits any stock to trespass upon any soil conservation reserve,

he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

10. The Minister may on any land construct or execute any fences, contour banks, channels, or other works or do any act or thing which in the opinion of the Minister it is necessary or expedient to construct, execute or do for the purpose of conserving the soil of any land or for the purpose of conducting research into the causes and modes of prevention of soil erosion.

Execution of
works for
soil
conservation.

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Loans and grants for soil conservation.

11. (1) The Minister may make grants or loans of money to any body or person for any of the following purposes :—

- (a) fencing any land so as to protect the vegetation thereon for the purpose of conserving the soil :
- (b) constructing contour banks, dams, channels and any other works for preventing the erosion of soil by water or otherwise :
- (c) purchasing, planting and maintaining trees, shrubs, plants, or grasses for the purpose of conserving the soil:
- (d) executing any other works or doing any other act or thing which in the Minister's opinion it is necessary or expedient to execute or do for the purpose of conserving the soil of any land :
- (e) research into the causes and modes of prevention of soil erosion.

(2) Any grant or loan made under this section shall be made upon such terms and conditions, and in the case of a loan, upon such security (if any) as the Minister thinks fit.

(3) Any money repayable in respect of any loan under this section shall be deemed to be a debt due to the Crown, and may be recovered on behalf of the Crown by the Minister by action. In any such action it shall be sufficient to describe the plaintiff by his ministerial title without any further name or description.

Control of use of roads and stock routes.

12. (1) For the purpose of preventing the erosion of soil the Minister may, by notice in the *Gazette*—

- (a) prohibit the driving of stock on any road or travelling stock reserve or part of a road or travelling stock reserve specified in the notice ; or
- (b) prohibit the driving of stock on any road or travelling stock reserve or part of a road or travelling stock reserve specified in the notice except in the circumstances, or subject to any conditions or restrictions specified in the notice.

(2) The Minister shall not publish in the *Gazette* under section (1) of this section—

- (a) any notice relating to a road, travelling stock reserve or part thereof within a hundred except upon the recommendation of The Land Board :

(b) any notice relating to a road, travelling stock reserve or part thereof not within any hundred except upon the recommendation of the Pastoral Board.

(3) Every such notice shall specify the day on which it comes into operation, being a day not earlier than fourteen days from the publication of the notice in the *Gazette* and the period or periods for which it will remain in operation, and shall have effect accordingly.

(4) If any person drives any stock or causes any stock to be driven in contravention of any such notice he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

13. (1) If the Minister is of opinion that for the purpose of preventing the erosion of soil it is desirable that the trees upon any land should not be cut down or otherwise destroyed or injured, he may serve a notice upon the owner of that land, and if the owner is not the occupier, upon the occupier also—

Protection
of trees.

(a) setting out his said opinion ; and

(b) inviting the person upon whom the notice is served to make representations to him, not later than a day specified in the notice, for the purpose of showing cause why an order should not be made forbidding the cutting down or other destruction or injury of trees on land specified in the notice, without the consent of the Minister.

(2) A person on whom a notice is served under subsection (1) shall not, during the period between the service of the notice and the service upon him of an order or notice under subsection (4) of this section, cut down, destroy or injure any trees upon the land specified in the first mentioned notice, and if he does so he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(3) After service of a notice or notices as mentioned in subsection (1) in relation to any land and after hearing and considering any representations made pursuant to the notice or notices the Minister may, if he thinks fit, make an order that trees upon the said land shall not be cut down or otherwise destroyed or injured during the period specified in the order except in such circumstances or with such consents (if any) as may be specified in the order.

(4) The order shall be served upon the owner of the land to which it relates, and if the owner is not the occupier, upon the occupier also. If the Minister decides not to make an order he shall

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forthwith after making that decision serve notice thereof on the owner of the land to which the decision relates and, if the owner is not the occupier, upon the occupier also.

(5) If any person upon whom such an order is served contravenes the order in any way, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(6) The Minister may give his consent to the cutting down or other destruction of or injury to any trees upon condition that the person to whom the consent is given will within a time specified by the Minister plant other trees to the number and of the kind required by the Minister, in replacement of any trees cut, destroyed, or injured pursuant to the consent.

If any person who has cut down, destroyed or injured any tree pursuant to a consent given upon condition as mentioned in this section, fails to comply with that condition, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(7) The Minister may if he thinks fit give notices and make orders under this section in relation to shrubs, plants, or grasses or any class of any of them, either in substitution for, or in addition to trees, and in any such case this section shall apply to such shrubs, plants and grasses, and the term "trees" as used in this section, shall be deemed to include such shrubs, plants or grasses.

Amendment of the Pastoral Act, 1936.

Enactment of
s. 44a of
principal Act—

14. The following section is enacted and inserted in the Pastoral Act, 1936, after section 44 thereof :—

Over stocking.

44a. (1) Every lease granted after the passing of the Soil Conservation Act, 1939, shall contain such terms, covenants and conditions as are recommended by the board and approved by the Commissioner for restricting the number of stock to be depastured on the land comprised in the lease.

(2) Every lease, whether granted before or after the passing of the Soil Conservation Act, 1939, shall be deemed to contain a covenant that the lessee will comply with any notice given under subsection (3) of this section.

(3) If the board is of opinion that the lessee of any such lease is depasturing on the land included in his lease such a number of stock that the land is likely to be

permanently injured thereby, the Commissioner may by notice in writing require the lessee within the time specified in the notice to reduce the number of stock so depastured to the number specified in the notice and to comply with any other restrictions specified in the notice as to the stocking of such land, and if the lessee fails to comply with the terms of the notice the Commissioner may forfeit the lease as if the lessee had been guilty of a breach of a covenant contained therein.

Miscellaneous Provisions.

15. Proceedings for offences against this Act shall be disposed of summarily. Summary proceedings.

16. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated by Parliament for those purposes. Financial provision.

17. (1) A notice or order shall be duly served for the purposes of this Act if it has been— Service of notices and orders.

(a) served personally on the person on whom it is to be served ; or

(b) left at the usual or last known place of abode or business of that person ; or

(c) sent by registered post to that person, addressed to him at his usual or last known place of abode or business.

(2) If—

(a) any person required to be served with a notice or order is absent from the State or cannot be found after diligent enquiry ; or

(b) in the case of a body corporate, the place of business of that body corporate cannot be found after diligent enquiry,

the notice or order shall be deemed to be duly served if it is affixed on some conspicuous part of the land to which it relates.

18. The Governor may make regulations— Regulations.

(a) prescribing any matters (in addition to those contained in this Act) necessary or convenient to be prescribed for the prevention of soil erosion :

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- (b) prescribing any matters necessary or convenient to be prescribed for the control and protection of soil conservation reserves :
- (c) prescribing any matters necessary or convenient to be prescribed for the purpose of the administration of this Act :
- (d) prescribing fines recoverable summarily and not exceeding fifty pounds for breach of any regulations.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.