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ELIZABETHAE II REGINAE

A.D. 1960

No. 13 of 1960

An Act to amend the Soil Conservation Act, 1939-1947.

[Assented to 25th August, 1960.]

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

1. (1) This Act may be cited as the "Soil Conservation Act Amendment Act, 1960". Short titles.

(2) The Soil Conservation Act, 1939-1947, as amended by this Act, may be cited as the "Soil Conservation Act, 1939-1960".

(3) The Soil Conservation Act, 1939-1947, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation.

3. Section 6a of the principal Act is amended by adding after subsection (6) thereof new subsections as follows :— Amendment of s. 6a of principal Act— Soil conservation districts.

(7) Upon the recommendation of the Committee, the Governor may, by proclamation, declare any part of a soil conservation district to be a separate soil conservation district.

(8) For the purposes of this section and of section 6c of this Act, "occupiers"—

- (a) with respect to land in any area in a municipality or district as defined in the Local Government Act, 1934-1959, means the ratepayers, as so defined, who—
- (i) are the owners or occupiers of such ratable properties within the area as are in each case not less than five acres in extent; and
 - (ii) reside thereon;
- (b) with respect to land in any area not within a municipality or district as so defined, means the owners or lessees in that area of parcels of land used mainly for agricultural or pastoral purposes and being in each case not less than five acres in extent who are residing thereon; and where there is no such owner or lessee residing thereon, includes the manager or any person who for the time being is in charge of such land and is residing thereon.

Amendment of
s. 6c of
principal Act—
Enlargement
of districts.

4. Section 6c of the principal Act is amended by inserting after the words "inclusion of that area in the district" in subsection (1) thereof, the passage "or that the additional area was at that time part of another soil conservation district,".

Enactment of
s. 6j of
principal Act—

5. The following heading and section are enacted and inserted in the principal Act after section 6i thereof:—

Drifting Sand.

Causing sand
to drift.

6j. (1) A person shall not by cultivation, burning off or stock grazing on any land create on that land conditions as a result of which sand drifts from that land to any other land and detriment or damage to such other land or loss to any other person is caused.

(2) A person who commits a breach of subsection (1) of this section shall be guilty of an offence and on conviction shall be liable to a penalty of one hundred pounds.

Amendment of
s. 13j of
principal Act—
Enforcement
of orders.

6. Section 13j of the principal Act is amended by adding after the words "incidental thereto" in paragraph (a) of subsection (2) thereof the passage "including such acts and work as, in the opinion of the Committee, are or would become necessary or desirable through such failure".

Amendment of
s. 13n of
principal Act—
Soil
conservation
orders where
land is
outside
districts.

7. Section 13n of the principal Act is amended—

- (a) by repealing the proviso to subsection (1) thereof ; and
- (b) by adding after subsection (2) thereof the following subsections :—

(3) With respect to any land referred to in subsection (1) of this section, the Minister may, after such inquiry as he thinks fit, make a provisional soil conservation order in any case where, if the land were within a soil conservation district for which a board existed, he could apply to that board for such an order.

(4) A provisional order referred to in subsection (3) of this section shall not be made unless each owner or occupier and each mortgagee of the land has been given an opportunity to make representations to the Minister.

(5) The provisions of subsection (3) of section 13e, sections 13g and 13h, subsections (1), (2), and (3) of section 13j, and sections 13k to 13m, inclusive, shall apply with necessary modifications to and with respect to every provisional order referred to in subsection (3) of this section and in so far as those provisions so apply—

- (a) any reference in those provisions to a provisional soil conservation order shall be construed as a reference to a provisional soil conservation order made or capable of being made by the Minister pursuant to this section ;
- (b) any reference in those provisions to a respondent or to respondents shall be construed as a reference to the person or the persons to whom a provisional soil conservation order so made by the Minister is directed ;
- (c) any reference to the board in section 13g shall be construed as a reference to the Minister ;
- (d) any reference to the Soil Conservator in section 13m shall be construed as a reference to the Minister ; and

(e) any reference to a soil conservation order in section 13m shall be construed as a reference to a provisional soil conservation order made by the Minister pursuant to this section whether or not such order has been confirmed by the Committee.

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

J. M. NAPIER, Lieutenant-Governor.