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**GEORGI VI REGIS.**

A.D. 1943.

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**No. 37 of 1943.****An Act to amend the Soil Conservation Act, 1939.**

[Assented to 23rd December, 1943.]

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

Short titles.

1. (1) This Act may be cited as the "Soil Conservation Act Amendment Act, 1943".
- (2) The Soil Conservation Act, 1939, as amended by this Act, may be cited as the "Soil Conservation Act, 1939-1943".
- (3) The Soil Conservation Act, 1939, is hereinafter referred to as "the principal Act".

Amendment of s. 6 of principal Act—

2. Section 6 of the principal Act is amended so as to read as follows :—

Duties of committee.

6. The duties of the committee shall be to advise the Minister on soil erosion and soil conservation, and to recommend to the Minister any action which in the committee's opinion should be taken under this Act to prevent the erosion of soil or to restore land which has been affected by erosion of soil.

Amendment of principal Act—

3. The following section is enacted and inserted in the principal Act after section 10 thereof :—

Power to require owner or occupier of land to take measures to prevent erosion.

10a. (1) If the Minister is satisfied, upon the report of the committee or of any person authorized by the Minister for the purpose, that by reason of the position or condition of any land, soil erosion thereon is taking place or is likely to take place, the Minister may from time to time serve a notice in writing upon the owner of the land and, if the owner is not the occupier, upon the occupier also, requiring

him to take such or all of the following measures as are specified in the notice, that is to say :—

- (a) to cease or refrain from clearing, fallowing, burning on, cultivating or otherwise tilling the land ;
- (b) to fence the land in manner specified in the notice
- (c) to plant the land with any grasses, shrubs, or trees specified in the notice ;
- (d) to take any other measure prescribed.

(2) Every such notice shall specify the time within which the requirements of the notice shall be carried out or, as the case may require, the period during which the requirements of the notice shall be complied with.

(3) If any of the requirements of any notice served under this section are not complied with to the satisfaction of the Minister within the time specified in the notice for compliance therewith or, as the case may require, during the whole of the period specified in the notice for compliance therewith, any owner or occupier on whom the notice is served shall be guilty of an offence and liable to a penalty not exceeding one pound for every day on which the requirements of the notice are not complied with.

(4) This section shall not apply to any land of the Crown which is neither leased to any person nor comprised in an agreement with the Crown for the sale and purchase thereof.

4. (1) Section 12 of the principal Act is amended by striking out subsections (1) and (2) thereof and by inserting in lieu thereof the following subsections :—

Amendment of  
s. 12 of  
principal Act—  
Control of use  
of stock routes,  
etc.

(1) For the purpose of preventing the erosion of soil the Minister may from time to time, by notice in the *Government Gazette*—

- (a) prohibit the driving of stock on any road, travelling stock reserve, or stock route or part of a road, travelling stock reserve, or stock route specified in the notice :
- (b) prohibit the driving of stock by any person whomsoever upon any land specified in the notice :
- (c) prohibit the driving of stock on any road, travelling stock reserve, or stock route or part of a road, travelling stock reserve, or stock route

specified in the notice except in the circumstances or subject to the conditions or restrictions specified in the notice :

(d) prohibit the driving of stock by any person whomsoever upon any land specified in the notice except in the circumstances or subject to the conditions or restrictions specified in the notice.

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

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

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

(c) any notice relating to any road, travelling stock reserve, or stock route or any part thereof or relating to any land, unless the Minister is satisfied either—

(i.) that there is a practicable route for the driving of stock alternative to the road, travelling stock reserve, stock route or part thereof or land to which the notice relates : or

(ii.) that in lieu of being driven on the road, travelling stock reserve, stock route or part thereof or land to which the notice relates, the stock can conveniently be transported by some means.

(2) Section 12 of the principal Act is amended by adding at the end thereof the following subsection :—

(5) In this section “ stock route ” means stock route as defined by section 99 of the Pastoral Act, 1936-1939.

Amendment of principal Act—

5. The following section is enacted and inserted in the principal Act after section 13 thereof :—

Protection of trees on roads.

13a. (1) Any person who cuts down, destroys, or injures any tree on any street or road shall be guilty of an offence and liable to a penalty not exceeding fifty pounds unless the tree is cut down, destroyed, or injured

in accordance with the consent in writing of the Minister or of some person authorized by the Minister to give consent under this section.

(2) Consent may be given as aforesaid to the cutting down, destruction of or injury to any tree upon condition that the person to whom the consent is given will within a time specified by the Minister or person authorized as aforesaid, plant another tree or other trees to the number and of the kind required by the Minister or person authorized as aforesaid in replacement of the tree cut down, 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 subsection, fails to comply with that condition, he shall be guilty of an offence and liable to a penalty not exceeding fifty pounds.

(3) This section shall be binding on all persons whomsoever, including any person expressly or impliedly authorized pursuant to any Act to cut down, destroy, or injure trees on any streets or roads.

(4) This section shall not apply to any tree on any street or road within a municipality.

(5) No proceedings for an offence against this section shall be taken without the consent in writing of the Minister. Any such consent to any such proceedings may be proved by the production of a document consenting to the proceedings and purporting to be signed by the Minister.

6. Section 18 of the principal Act is amended by inserting therein after paragraph (b) thereof the following paragraph :—

Amendment of  
s. 18 of  
principal Act—  
Regulations.

(b1) prescribing measures to be taken for the purposes of section 10a :

7. The following section is enacted and inserted in the principal Act after section 18 thereof :—

Amendment of  
principal Act—

19. The Minister shall, within three months after the close of every financial year, prepare a report of the administration of this Act by the Minister and the proceedings of the committee during that financial year. Every such report shall be laid before both Houses of Parliament.

Annual report  
to Parliament.

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

C. M. BARCLAY-HARVEY, Governor.