**SOIL CONSERVATION ACT AMENDMENT BILL 1960**

**House of Assembly, 3 May 1960, pages 376-7**

Second reading

**The Hon. D. N. BROOKMAN (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Soil Conservation Act, 1939-1947. Read a first time.

The Hon. D. N. BROOKMAN—I move—

*That this Bill be now read a second time.*

Its objects are to simplify and clarify certain provisions of the principal Act and to prohibit persons from creating certain conditions by cultivation, burning off or stock grazing on their land as a result of which sand drifts on to other land causing damage to that land or loss to other persons. The principal Act has a provision whereby an additional area may be included in a soil conservation district but no provision exists whereby a district may be divided into two or more districts or whereby part of a district may be transferred to another district. Such a provision would be necessary and desirable, for example, if a district were constituted in the Upper South-East, to enable the Meningie area of the Murray Mallee District, for convenience of administration, to be transferred to that new district. This omission in the principal Act is remedied by a new subsection (7) added to section 6a by clause 3 and the short amendment of section 6c contained in clause 4 of the Bill.

Considerable difficulty has been experienced in the interpretation of the expression “occupiers of land” in sections 6a (1) and 6c (1) of the principal Act. These sections provide as follows:—

6a. (1) At least three-fifths of the occupiers of land in any area may present a petition to the Minister praying that that area shall be constituted a soil conservation district.

6c. (1) If the Committee recommends that any additional area be included in a district, and the Minister is satisfied that at least three-fifths of the occupiers of land within the additional area consent, to the inclusion of that area in the district the Governor may . . declare that the additional area shall be included in the district.

In order to give effect to these provisions it is necessary to ascertain the number of *“*occu­piers” of land in each particular area in question. It is not always possible or practicable to make a complete survey of those areas for that purpose, and it is felt that for the purposes of the Soil Conservation Act only the persons who are concerned with soil conservation should have a say in the constitute of soil conservation districts. As occupiers houses in towns and townships are not faced with the problem of soil conservation they are not concerned with the constitution of the districts, but unless they are excluded from the application of the expression “occupiers of land” for the purposes of those sections they still form a substantial proportion of occupier\* of whom three-fifths have to be in favour of the

proposal. The Government has therefore accepted the principle that the word “occupiers,” for the purposes of those sections should be defined—

*(а)* with respect to land in municipalities and districts, as resident ratepayers who are owners or occupiers of ratable properties not less than five acres in extent; or

(b) with respect to other land, as resident owners, lessees or managers of land of not less than five acres in extent used mainly for agricultural or pastoral purposes.

This principle is given effect in the new subsection (8) added to section 6a of the principal Act by clause 3.

The object of the new section 6j enacted Iv clause 5 is to place on persons who, by ill-considered or careless cultivation, burning off or stock grazing on land prone to sand drift, cause sand drift conditions detrimental to other land, the responsibility for the conditions they thereby create.

The existing provisions of the Act are considered adequate to enforce action to arrest sand drift when it becomes evident, but experience has proved that those provisions are not adequate to prevent damage due to ill-considered or careless cultivation, burning off or stock grazing, and after the Advisory Committee on Soil Conservation and several district soil conservation boards had considered a number of propositions relating to this problem the provisions contained in this clause were considered to provide the most effective solution.

Section 13 j (2) of the principal Act empowers the Advisory Committee on Soil Conservation to do any act or work specified in a soil conservation order if a person bound by the order fails to do so. It has been rightly pointed out by the committee that if work is not done within a particular or specified tune, further work might have become necessary because of the delay. Cases could occur, forinstance, where because of delay in carrying out orders to seed drift areas, those drift areas would extend, or where owing to urgency on account of seasonal conditions, bushing would be required. But the Act confers no power on the committee to do more than the person bound by the failed to do and clause 6 of the Bill remedies that omission.

The proviso to subsection (1) of section 3n of the principal Act was enacted in the drought year of 1945 as it was feared at that time that because of the conditions at the time the Soil Conservator might be inundated with applications for soil conservation orders under that section. Most sandy areas where trouble is more likely to occur are now within soil conservation districts where the Sand Drift Act does not apply. Moreover, methods of control under the Sand Drift Act are not as appropriate for soil conservation as those under the Soil Conservation Act, and the need for this proviso now ceases to exist. Clause 7 (a) of the Bill according repeal it.

Section 13n of the principal Act provides that, as regards land which is not within a soil conservation district or within a district for which no board exists, any person may apply to the Soil Conservator for a soil conservation order, and empowers the Conservator to make a provisional order. The new subsections (3), (4) and (5), added to that section by clause 7 (6), merely confer on the Minister the same power, as regards that land, as the Conservator has, thus making it unnecessary for the Minister formally to apply to the Conservator for an order which in any event (whether made by the Minister or the Conservator) would still be subject to confirma­tion by the committee.

That report of the Parliamentary Draftsman was prepared in consultation with the Soil Conservation Committee. Since the original legislation was introduced in 1939 fears have been expressed about its administration, but I believe that the last 21 years have shown, firstly, that the fears of any dictatorial or harsh administration, or any unfair or unreasonable administration, were groundless; and, secondly, that the Act has been a conspicuous success in contributing to the soil fertility conditions that exist in the State today. During the last 12 months we have been through a drought similar to the 1914 drought, but the amount of soil erosion in the State is comparatively small and is, I believe, very much less than that expected by experts. Soil erosion exists widely throughout the State today and is undoubtedly a serious problem. There is certainly evidence of its occurrence in various districts, but the extent of that erosion—and I believe all will agree—is very much lower than would have been the case had this Act not been passed, had the Soil Conservation Branch of the Department of Agriculture not been formed some years ago, and had the standard of farming and the general approach to soil fertility of the farmers not been so greatly improved over the last 20 or 30 years.

Mr. FRANK WALSH secured the adjournment of the debate.