PASTORAL ACT AMENDMENT BILL 1970

**Legislative Council, 17 September 1970, page 1447**

Second reading

**The Hon. A. F. KNEEBONE (Minister of Lands)** obtained leave and introduced a Bill for an Act to amend the Pastoral Act, 1936-1969. Read a first time.

The Hon. A. F. KNEEBONE: I move:

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

It amends the Pastoral Act in two important respects, as well as removing some sections that are now outdated. First, it provides increased protection to pastoral property against damage from mining operations carried out on lands comprised in pastoral leases. Under the present provisions of the Pastoral Act claims may be pegged out or granted anywhere on a pastoral lease except within 200 yards of buildings and water storages. It is considered desirable to increase the protected area and to widen the categories of rural improvements that are to be protected from detriment arising from mining operations. In the past, fences, in particular, have frequently suffered damage as a result of the carelessness of or lack of consideration by mining operators.

The Bill also introduces a new section empowering the Minister of Lands to alter the boundaries of leases where it becomes apparent that the boundary described in the lease does not correspond with the boundary of the land in actual occupation. In many cases, the land physically defined by fences or other means is not accurately represented in the plan comprised in the lease instrument, because inadequate facilities existing when that instrument was drawn up prevented perfect surveys. To avoid confusion it is desirable that machinery should exist for correction of boundaries and registration of any corrections on the original lease at the Lands Titles Office.

Clause 1 is formal. Clause 2 amends section 7 of the principal Act. That section deals with the constitution of the Pastoral Board and provides that the Governor may appoint an additional member from time to time. The sentence which is to be deleted provides that the Governor may direct that the Public Service Act shall not apply to the additional member. There is provision for this in the Public Service Act itself, so the amendment therefore prevents unnecessary duplication.

Clause 3 repeals section 8 of the principal Act that provided for the continuation in office of those members of the Pastoral Board as it existed at the commencement of the principal Act in 1936. The purpose of this provision is of course now exhausted. Clause 4 repeals section 65 of the principal Act that relates to the appointment of arbitrators to make valuations where there is a disagreement between the Minister and a lessee. This function will now be performed by the Land and Valuation Court, and the section is therefore no longer necessary.

Clause 5 amends section 132 of the principal Act. This is the section that seeks to protect pastoralists from damage resulting from mining operations. The Bill increases the protection of pastoralists in several ways. It includes water holes, water tanks and aeroplane landing strips in the categories of protected improvements and extends the area in which mining operations are not to be conducted to an area comprised within a radius of 440 yards from the protected improvement. It also provides that mining operations shall not take place within 25 yards of any fence. The maximum penalty for contravention of these provisions is fixed at $500. The Minister of Lands may, however, give permission for the conduct of operations within the prohibited areas in appropriate circumstances.

Clause 6 introduces new section 137a to deal with the problem of correction of boundaries. New subsection (1) provides for alteration of boundaries as shown in leases to correspond with the boundaries of the land in actual physical occupation. New subsection (2) provides that the Minister may lodge memoranda of alterations to boundaries at the Lands Titles Office, and new subsection (3) directs the Registrar-General to note the alteration in the Register Book and as on any relevant registered instruments. Under new subsection (4) the Minister is empowered to make an adjustment to rental if the boundary alteration is such as to make an adjustment desirable.

The Hon. C. R. STORY secured the adjournment of the debate.