**SOIL CONSERVATION ACT AMENDMENT BILL 1984**

**Legislative Council, 29 August 1984, pages 602-4**

Second reading

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

The Hon. FRANK BLEVINS: I move: That this Bill be now read a second time.

This short Bill makes several important amendments to the Soil Conservation Act, 1939. The need for these amendments arose out of discussions with several of the District Soil Conservation Boards constituted under the Soil Conservation Act, with responsibility for promoting sound land use in their districts. The Boards are actively involved in the management of the group conservation schemes funded under the National Soil Conservation Programme and play a vital role in promotion and co-ordination of the schemes. For example, the Boards approve applications for financial assistance. Board involvement has ensured the success of group conservation schemes.

From time to time Boards are required to hear applications for soil conservation orders in situations where erosion from a property is affecting adjacent properties. Boards have the power to make orders requiring respondents to take appropriate action to prevent further problems occurring. Because the Boards have the expertise to assess problems having regard to all points of view, orders are made only as a last resort after all other attempts to find a solution have been exhausted. In some instances, considerable damage to adjacent properties occurs before a soil conservation order is confirmed. For example, drift sand may have banked up and destroyed crops. The applicant for a soil conservation order currently cannot recover the costs of removing the drift sand unless he takes court action.

The amending Bill makes provision for a soil conservation order to require respondents to make good any damage caused to the applicant’s land. If the respondent fails to make good any damage, the applicant may recover the costs from the respondent. The applicant can also recover damages from the respondent. The amendments will be of particular value to local councils which are often involved in considerable expenditure removing sand from roads after it has been eroded from adjacent properties.

Two minor amendments provide for the repeal of sections which are no longer relevant. The proposed amendments have been agreed to by the United Farmers and Stockowners, and the principle that damage should be made good was supported by Australian National, the Highways Department, the Local Government Association and the Local Government Department. I seek leave to have the detailed explanation of the clauses inserted in Hansard without my reading it. Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the substitution of a new definition of Soil Conservator. Clause 3 provides for the insertion of new section 6aa, which provides for the office of Soil Conservator. That position may be held in conjunction with any other office in the Public Service of the State. Clause 4 provides for the repeal of section 12a of the principal Act. Clause 5 provides for the insertion of new section 13a. The new section provides that it is the duty of an owner of land to take reasonable precautions to prevent soil erosion from occurring on his property. For the purposes of the section, owner includes occupier. Clause 6 amends section l3e of the principal Act. New paragraph (ca) is inserted in subsection (3), providing that a soil conservation order may require the respondent to take specified action to make good any damage caused to the land of the applicant or to any other specified land.

Clause 7 makes a consequential amendment to section 13j of the principal Act. Clause 8 provides for the insertion of new section 13ja. The new section provides in subsection (1) that, where a person fails to comply with a soil conservation order and damage is caused to the land of another person which would not have been caused if the order had been complied with, the other person may recover damages from the person bound by the order. Under subsection (2), where a person fails to comply with an order requiring him to make good damage caused to the land of another person, the other person may recover the cost of making good the damage from the person bound by the order. Clause 9 provides for the repeal of section 14 of the principal Act.

The Hon. PETER DUNN secured the adjournment of the debate.