

fourteen days after such publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

If Parliament passes a resolution disallowing any such Proclamation, Order in Council, or regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such Proclamation, Order in Council, or regulation has been laid before it, such Proclamation, Order in Council, or regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

For the purpose of this section, the term "sitting days" shall mean days on which the House actually sits for the despatch of business.

20 Geo. V.
No. 29.
THE SOIL
SURVEY ACT
OF 1929.

An Act Relating to the Entry of Land in Queensland by certain authorised persons for the purpose of making Soil Surveys in the State.

[ASSENTED TO 23RD DECEMBER, 1929.]

Preamble.

WHEREAS it is considered that it would be advantageous to settlement and development generally in Queensland if a soil survey of the lands of Queensland were carried out :

And whereas it is expedient that legislative power and authority should be given to certain authorised persons to enter upon the lands of Queensland for the purposes of and in relation to such soil survey :

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as "*The Soil Survey Act of 1929.*"

1929.

Soil Survey Act.

2. In this Act, unless the term otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

- “ Authorised person ”—A person authorised by the Minister in the prescribed manner, either generally or for any particular purpose, in respect of a soil survey under this Act ; Interpretation.
Authorised person.
- “ Land ”—Land includes land, of whatever tenure under which the land may be held, and includes any estate or interest in land (legal or equitable) and any easement, right, power, or privilege over, in, or in connection with land ; Land.
- “ Minister ”—The Secretary for Agriculture and Stock or other Minister of the Crown charged for the time being with the administration of this Act ; Minister.
- “ Occupier ”—The person in actual occupation of any land, or, if there is no person in actual occupation, the person entitled to the possession of the land ; Occupier.
- “ Owner ”—The person for the time being entitled to receive the rents and profits of the land, whether on his own account or as the agent of or trustee for any other person, or who would be entitled to receive the same if the land were let at a rent: the term includes the registered proprietor under the Acts relating to real property and any person seised of the legal estate in land ; Owner.
- “ Person ” includes corporation, company, association, syndicate, firm, partnership, and Local Authority or Joint Local Authority constituted under or pursuant to **“The Local Authorities Acts, 1902 to 1927”* or any Act amending the same; also the Brisbane City Council constituted under †*“The City of Brisbane Act of 1924”*; Person.
- “ Prescribed ”—Prescribed by this Act ; Prescribed.
- “ Soil survey ”—A soil survey under this Act ; Soil survey.
- “ This Act ”—This Act and all regulations made thereunder. This Act.

* 2 Edw. VII. No. 19 and amending Acts, *supra*, page 1860.

† 15 Geo. V. No. 32, *supra*, page 11140.

Powers of
entry on
land.

3. (1.) Notwithstanding anything contained in any Act or law or process of law to the contrary, for the purposes of making and carrying out a soil survey as hereinbefore referred to, any authorised person shall, at all reasonable times and as often as may be deemed necessary, have the unrestricted right to—

- (a) Enter and re-enter from time to time upon any land with such assistants and any plant and equipment as are required;
- (b) Dig and bore into any land so as to ascertain the nature of the soil in respect of the land;
- (c) Take samples of the soil, earth, gravel, stone, or other material, or water, or of any plant growing on the land, for any purposes, scientific or otherwise, as may be necessary in respect of such soil survey;
- (d) Make any inspection, investigation, or examination, and do all things necessary for the purposes of or incidental to such soil survey.

Notice.

(2.) Where practicable, reasonable notice shall be given to the owner or occupier of the land by the authorised person of the intention to enter thereon and to exercise the powers conferred under this Act; and the authority under which the person entering claims to enter or has entered shall, if required by such owner or occupier, be produced and shown.

Refusal of
entry.

(3.) If any such entry to any land is refused to any authorised person by any occupier or owner of the land concerned, or if upon entry by an authorised person such authorised person is prevented or obstructed from exercising the powers conferred under this Act, any justice, on complaint by such authorised person, may (after reasonable notice in writing of the intention to make it has been given to the occupier or owner), by order under his hand, require the occupier or owner to permit such authorised person to enter his land, or upon entry by such authorised person upon such land to allow such authorised person to exercise the powers conferred under this Act, as the case may be.

Any such order made by a justice shall continue in force until the necessary purpose has been completed.

Any person who refuses to obey any order of a justice made under this subsection shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding twenty shillings.

1929.

Soil Survey Act.

(4.) Any person who wilfully obstructs any person acting under the authority of subsection one of this section shall be liable to a penalty not exceeding ten pounds. ^{Obstruction.}

(5.) All penalties incurred under this Act may be recovered in a summary way on complaint of an authorised person, or any other person named in any authority of the Minister, under the provisions of **"The Justices Acts, 1886 to 1924."* ^{Recovery of penalties.}

4. Save as by this Act is hereinafter provided with respect to payment of compensation, no action, indictment, information, claim, or other proceedings shall be commenced, presented, made, or prosecuted against the Crown or the Minister or an authorised person or any other person for any damage, loss, or expenses occasioned or alleged to be occasioned or in anywise whatsoever arising from the exercise of any of the powers and authorities under this Act: ^{No action, &c.}

Provided that if in the exercise of any powers under this Act any authorised person has been guilty of negligence in the carrying out of his powers and authorities under this Act, whereby actual damage has been caused to the property of the owner or occupier, such owner or occupier may make a claim for compensation to the Minister. ^{When claim lies.}

Such claim shall clearly specify the name and address of the complainant, the name and address of his solicitor (if any), the nature of the damage complained of and the cause thereof, the total amount of compensation claimed and particulars showing how such amount is arrived at, specifying in each case the exact amount claimed in respect of each particular item.

The claimant shall also give to the Minister all such further information and particulars relating to his claim as the Minister reasonably requires.

The Minister may consider such claim, and may, if in his discretion he thinks fit, compensate such owner or occupier on such terms as may be mutually agreed upon. Moreover the Minister or the owner or the occupier may, if in their discretion it is deemed fit and proper to do so, refer any such claim to any court of competent jurisdiction for hearing and determination.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 and 11030.

Soil Survey Act. 20 GEO. V. No. 29, 1929.

In the hearing of such claim for compensation the onus of proving that the damage has been occasioned by the negligence of the authorised person shall lie on the claimant

Regulations may be made to give full effect to the objects and purposes of this section.

In this section the term "authorised person" shall include his assistants and workmen.

Regulations.

5. The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give full effect to this Act, providing for and supplying such omission or insufficiency.

Such regulations shall, upon publication in the *Gazette*, have the same force as if they were enacted in this Act, and shall be judicially noticed, and shall not be questioned in any proceeding whatsoever.

A copy of such regulations made under this Act shall be laid before Parliament within fourteen days from the publication thereof, if Parliament is then sitting, and, if it is not then sitting, within fourteen days from the commencement of the next session.

APPRENTICES.

See LABOUR (APPRENTICES).

APPROPRIATION ACTS.

See CONSTITUTION.

ARBITRATION.

See LABOUR (INDUSTRIAL CONCILIATION AND ARBITRATION).

ASSISTANCE TO INDUSTRIES.

See INDUSTRY.

BANANAS.

See AGRICULTURE (BANANA INDUSTRY PROTECTION).

See also AGRICULTURE (DISEASES IN PLANTS).