



ANNO VICESIMO SEPTIMO

# ELIZABETHAE II REGINAE

A.D. 1978

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## No. 61 of 1978

An Act to amend the Soil Conservation Act, 1939-1975.

[Assented to 28th September, 1978]

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

1. (1) This Act may be cited as the "Soil Conservation Act Amendment Act, 1978". Short titles.

(2) The Soil Conservation Act, 1939-1975, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Soil Conservation Act, 1939-1978".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 2 of the principal Act is amended—

(a) by inserting after the definition of "board" the following definition:— Amendment of principal Act, s. 2— Interpretation.

"council" means a municipal council or a district council within the meaning of the Local Government Act, 1934-1978, and includes a body corporate that is by virtue of any Act vested with the powers of a municipal or district council;

(b) by inserting after the definition of "district" the following definition:—

"local government area" means the whole or a part of a municipality or district as defined in the Local Government Act, 1934-1978, and includes the whole or a part of an area in relation to which any body corporate is, by virtue of any Act, vested with the powers of a municipality or district council.

and

(c) by striking out the definition of "owner" and inserting in lieu thereof the following definition:—

"owner" of land, means—

(a) a person (including a public authority) who holds an estate of fee simple in the land or who is a mortgagee in possession of the land;

or

(b) in relation to land held under a Crown Lease—the lessee.

Repeal of  
s. 3 of  
principal Act  
and enactment  
of section in  
its place.  
Acquisition  
of land.

4. Section 3 of the principal Act is repealed and the following section is enacted and inserted in its place:—

3. The Land Acquisition Act, 1969-1972, applies in respect of the acquisition of land under this Act.

Amendment of  
principal Act,  
s. 4—  
The Advisory  
Committee.

5. Section 4 of the principal Act is amended—

(a) by striking out subsection (4a);

and

(b) by striking out from subsection (8) the passage "Public Service Act, 1967, as amended" and inserting in lieu thereof the passage "Public Service Act, 1967-1978".

Repeal of  
ss. 6a, 6b and  
6c of principal  
Act and  
enactment of  
section in  
their place.  
Constitution  
and alteration  
of soil  
conservation  
districts.

6. Sections 6a, 6b and 6c of the principal Act are repealed and the following section is enacted and inserted in their place:—

6a. (1) The Governor may, upon the recommendation of the Minister, by proclamation—

(a) constitute a soil conservation district;

(b) divide a soil conservation district into two or more districts;

or

(c) abolish a soil conservation district.

(2) The Minister shall not submit a recommendation to the Governor under this section unless the recommendation is supported by the Committee.

(3) The Minister shall not submit a recommendation for the constitution of a soil conservation district to the Governor under this section unless—

(a) where the proposed district consists of a local government area or an aggregation of local government areas—

(i) the council or councils approve the terms of the proposed recommendation;

or

(ii) the Minister has conducted a poll of owners and occupiers of land within the proposed district and a majority of those voting at the poll approve the terms of the proposed recommendation;

or

(b) in any other case—the Minister has conducted a poll of owners and occupiers of land within the proposed district and a majority of those voting at the poll approve the terms of the proposed recommendation.

(4) A poll under this section shall be conducted in accordance with the regulations.

7. Section 6d of the principal Act is amended—

(a) by striking out from subsection (2) the passage “of every municipality and district council district” and inserting in lieu thereof the passage “of every local government area”;

and

(b) by striking out from subsection (7) the passage “Public Service Act, 1967, as amended” and inserting in lieu thereof the passage “Public Service Act, 1967-1978”.

Amendment of principal Act, s. 6d—  
District boards.

8. Section 6h of the principal Act is amended by striking out from subsection (2) the passage “fifty pounds” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of principal Act, s. 6h—  
Powers of boards to secure evidence.

9. Section 6j of the principal Act is amended by striking out from subsection (2) the passage “one hundred pounds” and inserting in lieu thereof the passage “one thousand dollars”.

Amendment of principal Act, s. 6j—  
Causing sand to drift.

10. Section 7 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “fifty pounds” and inserting in lieu thereof the passage “five hundred dollars”;

and

(b) by striking out from subsection (3) the passage “the Compulsory Acquisition of Land Act, 1925” and inserting in lieu thereof the passage “the Land Acquisition Act, 1969-1972”.

Amendment of principal Act, s. 7—  
Power of entry.

11. Section 9 of the principal Act is amended by striking out from subsection (3) the passage “fifty pounds” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of principal Act, s. 9—  
Power to declare soil conservation reserve.

12. Section 12 of the principal Act is amended by striking out from subsection (4) the passage “one hundred pounds” and inserting in lieu thereof the passage “one thousand dollars”.

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

13. Section 12a of the principal Act is amended by striking out from subsection (2) the passage “one hundred pounds” and inserting in lieu thereof the passage “one thousand dollars”.

Amendment of principal Act, s. 12a—  
Notice of intention to clear.

14. Section 13 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “one hundred pounds” and inserting in lieu thereof the passage “one thousand dollars”;

(b) by striking out from subsection (5) the passage “is served” and inserting in lieu thereof the passage “is binding”.

Amendment of principal Act, s. 13—  
Protection of trees.

(c) by striking out from subsection (5) the passage "one hundred pounds" and inserting in lieu thereof the passage "one thousand dollars";

(d) by striking out from subsection (6) the passage "one hundred pounds" and inserting in lieu thereof the passage "one thousand dollars";

and

(e) by inserting after subsection (7) the following subsections:—

(8) An order under this section is binding on—

(a) the owner of the land upon whom the order is served, and, if the order is registered, any successor in title to that owner;

and

(b) any occupier of the land upon whom the order has been served and, if the order is registered, any person who is at the time of the registration of the order, or subsequently becomes, an occupier of the land.

(9) Where an order made pursuant to this section relates to land that is subject to the provisions of the Real Property Act, 1886-1975, or comprised in a Crown Lease—

(a) the Minister may serve on the Registrar-General a copy of the order accompanied by a statement signed by the Minister describing the land to which the order relates;

and

(b) the Registrar-General—

(i) shall thereupon enter a memorial of the order on the original certificate of title, or on the Crown Lease, relating to that land;

and

(ii) shall enter a memorial of the order on the duplicate certificate, or a copy of the Crown Lease, -if it is at any time produced to him.

(10) Where an order made pursuant to this section relates to land that is neither subject to the provisions of the Real Property Act, 1886-1975, nor comprised in a Crown Lease, the Minister may produce the order for registration under Part II of the Registration of Deeds Act, 1935-1973, together with a memorial of the order prescribed by that Part, and the Registrar-General shall register the order accordingly.

Amendment of  
principal Act,  
s. 13h—  
Devolution of  
liabilities of  
respondents  
under orders.

15. Section 13h of the principal Act is amended by striking out subsections (3) and (4) and inserting in lieu thereof the following subsections:—

(3) Where a soil conservation order relates to land that is subject to the provisions of the Real Property Act, 1886-1975, or is comprised in a Crown Lease, and contains a provision that upon registration it shall be binding on the successors in title of the respondent—

(a) the Minister may serve on the Registrar-General a copy of the order accompanied by a statement signed by the Minister describing the land to which the order relates;

and

(b) the Registrar-General—

(i) shall thereupon enter a memorial of the order on the original certificate of title, or on the Crown Lease, relating to that land,

and

(ii) shall enter a memorial of the order on the duplicate certificate, or a copy of the Crown Lease, if it is at any time produced to him.

(4) Where a soil conservation order relates to land that is neither subject to the Real Property Act, 1886-1975, nor comprised in a Crown Lease, and contains a provision that upon registration it shall be binding on the successors in title of the respondent, the Minister may produce the order for registration under Part II of the Registration of Deeds Act, 1935-1973, together with a memorial of the order prescribed by that Part, and the Registrar-General shall register the order accordingly.

16. Section 13j of the principal Act is amended by striking out from subsection (1) the passage “one hundred pounds” and inserting in lieu thereof the passage “one thousand dollars”.

Amendment of principal Act, s. 13j—  
Enforcement of orders.

17. Section 13k of the principal Act is amended by striking out from subsection (1) the passage “not exceeding four per centum per annum,”.

Amendment of principal Act, s. 13k—  
Expense to be a charge on land.

18. Section 17 of the principal Act is amended by inserting after subsection (2) the following subsection:—

Amendment of principal Act, s. 17—  
Service of notices and orders.

(3) A statement in writing, purporting to be under the hand of an officer of the Public Service of the State, and relating to the question of whether a notice or order has been duly served for the purposes of this Act shall, if tendered in evidence in any legal proceedings, be accepted as proved in the absence of proof to the contrary.

19. Section 18 of the principal Act is amended by striking out from paragraph (d) the passage “fifty pounds” and inserting in lieu thereof the passage “five hundred dollars”.

Amendment of principal Act, s. 18—  
Regulations.

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

K. D. SEAMAN, Governor