**SOIL CONSERVATION ACT AMENDMENT BILL 1947**

**Legislative Assembly, 13 November 1947, page 1382**

Second reading

**The Hon. Sir GEORGE JENKINS (Newcastle—Minister of Agriculture**)—This Bill has been asked for by the Soil ConservationCommittee and the Soil Conservator to remove one or two difficulties which have occurred in the administration of the principal Act. The first matter dealt with is the duty of a landholder to give notice to the Soil Conservator before clearing land. Section 12a of the principal Act provides that before a person commences to clear or clears any scrub land, he must give the Soil Conservator three months’ notice in writing of his intention. “Scrub land” is defined as “land on which the whole or substantially the whole of the natural vegetation remains.” In some cases it has been found that landholders without giving notice to the Soil Conservator have removed a considerable amount of trees or other vegetation from land without intending to clear the land. In these circumstances the Government is advised that the person cannot be said to have commenced to clear or cleared scrub land within the meaning of the Act. The Soil Conservation Branch considers that it is essential that they should receive notice of the intended cutting down of trees, because it may lead to soil erosion. In order to get over this difficulty it is proposed to alter section 12a so as to avoid the use of the word “clearing”. The amended section will provide that notice must be given before a landholder removes or destroys any vegetation on scrub land. It is not, however, proposed to require notice where the landholder merely intends to cut trees for firewood, posts or timber or to burn standing scrub. It is realized that these are normal and necessary operations which cannot be interfered with. Any other intended destruction of vegetation, however, will be notifiable.

Another difficulty which has arisen under section 12a is the definition of “scrub land.” At present “scrub land” means land on which the whole or substantially the whole of the natural vegetation remains. In some cases, however, a portion of the vegetation on land has been removed by cutting trees for firewood, posts, timber, and other purposes. When this has been done, it cannot be said that the whole or substantially the whole of the natural vegetation remains on the land, and therefore the land is no longer scrub land within the meaning of the definition and there is no obligation on the part of the landholder to give the Soil Conservator notice before completing the clearing of his land. The Soil Conservator is of opinion that it is essential in the interests of soil conservation that he should have notice of the intended destruction of vegetation on land, even if some of the trees have previously been removed for firewood and timber. It is therefore proposed by thisBill to alter the definition of “scrub land” so as to include not merely land on which all or substantially all the natural vegetation exists, but also land on which there remains all or substantially all of the vegetation which is left after the cutting of trees for firewood, posts, or timber, or the burning of standing scrub.

Clause 4 repeals section 13a of the principal Act. This section provided that trees on roads were not to be cut down without the consent of the Minister of Agriculture. This section was originally enacted as a measure for soil conservation; but the Soil Conservator reports that the control of the cutting of trees on roads has no bearing on the question of soil conservation and that his branch has no interest in controlling this matter. They ask that section 13a should be repealed. At the same time, the Government has received requests from local governing authorities that their control over trees on roads should be restored. This can be effected by repealing section 13a of the principal Act and the Government proposes to repeal this section accordingly.

Clauses 5 and 6 deal with a technical difficulty which has arisen in the administration of the principal Act. The principal Act now provides that when a soil conservation district is established, the Sand Drift Act ceases to apply within that district and the Soil Conservator will not have power to make soil conservation orders in that district. The idea of this, of course, was that when a district was established the soil conservation board for that district should exercise all the powers necessary for conserving the soil. In some cases, however, there is substantial delay between the constitution of the district and the appointment of the board. During this interval it is necessary that the powers of councils under the Sand Drift Act and the powers of the Soil Conservator to deal with soil conservation should continue to exist in the district. Clauses 5 and 6 will establish this position. The Government has already established by proclamation at least two soil conservation districts, one in the Murray Mallee and one in the Murray plains and another is ready for proclamation on Eyre Peninsula. With the proclamation of a district, a soil conservation board cannot be set up for some time because of the necessity to elect council representatives. In the interim no-one has control of sand drift. The clause is inserted to rectify that position and place the matter under tile temporary control of the Soil Conservator. I move the second reading.

Bill read a second time