**SOIL CONSERVATION ACT AMENDMENT BILL 1945**

**Legislative Assembly, 15 November 1945, pages 969-73**

Second reading

**The Hon. G. F. JENKINS (Newcastle— Minister of Agriculture**)—I feel some pride in introducing this legislation, but regret its necessity.

Mr. O’Halloran—I hope that it is not the pride which goes before a. fall.

The Hon. G. F. JENKINS—I ask hon. members to realize that whatever mirth may be created by some people at this stage of proceedings, a great deal of distress has been created in the hearts of many South Australians because of the incidence of soil ero­sion during recent years. In consequence, if I am the humble instrument through which something can be accomplished to arrest the very sad state of affairs which exists over a large part of South Australia, then I will feel that my association with this House over a fairly long period has not been entirely in vain. This problem has had my close attention for a number of years, so it is not something which has come to me as the result of the dust storms in the past few years which have created a consciousness in the minds of some people that there is a soil erosion problem in South Australia. It was brought home to me in the days when I was working on my father’s farm many years ago, and when in a humble way we took steps to correct the little local problems which arose from time to time. Since that day much of South Australia and the. other States has been eroded, not only as the result of droughts, but the serious water erosion problem in many parts of our better rainfall districts is more disastrous and more necessary to remedy than even the wind erosion problem affecting the drier areas. After all, the value of the land affected by wind erosion is much lower than the value of land suffering as the, result of water erosion. It is pleasing to note the great interest which has been aroused in the minds of agricultural and pastoral people throughout South Australia, and how they are responding to the efforts of the department to educate them in sound agricultural practices in order that this serious menace may be properly tackled and, to a great extent, overcome.

The problem which has arisen here is not peculiar to South Australia, or even Australia. It is, of course, world-wide. Perhaps one of the best examples of the efforts being made to overcome soil erosion is to be found in the United States of America and Canada during recent years. Only a few years ago, as the result of the creation of what came to be known as the "Dust Bowl” in the American Mid-west, thousands of farmers were driven off their farms in what would be considered in South Australia a good rainfall area. The average annual rainfall of the Dust Bowl was about 16in. In South Australia we consider land with a 16in. rainfall some of our best wheat growing country. The difficulties in the United, States have been overcome by the creation of a soil consciousness in the minds of' the people generally. This was brought about largely as the result of setting up local committees to educate farmers and to deal with, the problem locally as far as possible. I will give some evidence this afternoon, which I think, is most convincing as to the efficacy of American methods, which we intend to adopt here if this measure becomes law.

The Hon. R. S. Richards—Has the Minister any information as to the steps taken in res­pect of water erosion in the United States of' America?

The Hon. G. F. JENKINS—I will give that in the course of my remarks. Those steps of course, differ from the action taken in respect of wind erosion. Wind erosion was the particular problem on much of the prairie lands of Canada and it was astonishing to me- to read a publication by the Canadian Department of Agriculture, entitled “A Record of Achievement", a report of the activities of the “Prairie Farm Rehabilitation Scheme” for the- eight-year period ended March, 1943—

The Hon. R. S. Richards—The Tennessee Valley project is worthy of note, too.

The Hon. G. P. JENKINS—That is something entirely different. The Tennessee Valley is not confined to one State, and I would remind members that the River Murray has been locked from Albury to its mouth and that, as a result, we have held up the waters of the Murray and made permanent irrigation schemes possible which, under existing drought conditions, could not have been carried on, thus showing that with our small population of 7 million we have not been lagging in water conservation methods in respect of the only real river in Australia.

The problem here is one which members may look at from the point of view of their own particular environment. Those who are more familiar with the pastoral areas of South Australia will know of the soil erosion problem which has arisen there and which is due more to over-stocking than anything else. I say that advisedly, having had a fair amount of experience in handling and stocking some of our pastoral areas.

Mr. 0’Halloran—I think you will also give the rabbit a place in the scheme of things.

The Hon. G. F. JENKINS-—I would award him full bad marks. I admit that the presence of the rabbit makes it extremely difficult to correct the injury which has been done. But granted that the rabbit has done irreparable damage in some places, there still remains the fact that we have created in our pastoral areas a problem which can be solved only by sensible stocking.

Mr. O’Halloran—Even then the rabbit presents a problem.

The Hon. G. F. JENKINS—Any measures to eradicate the rabbit will have my wholehearted support. The regeneration of the natural bush and herbage in 6in. and 7iri. rainfall country is necessarily slow. With good seasons annual grasses come along quickly, but in the permanent bush country saltbush, blue-bush, and mulga are

slow in regeneration. In the Barrier district of New South Wales, extending from the River Darling to South Australia, which was previously covered largely by mulga and other indigenous bushes, regeneration cannot be accomplished in a few years; it will take many years and the question arises whether it will be economically possible for pastoralists to hold the country, pay their rent and carry on during the regeneration period. I do not propose to deal particularly with the pastoral areas now. That problem is being tackled by the Pastoral Board in consultation with the Soil Conservation Branch, and I am pleased to say that the greatest harmony exists between the Pastoral Board, the Lands Department, and the Soil Conservation Branch of the Department of Agriculture.

Mr. 0 ’Halloran—And with the pastoral lessees

The Hon. G. F. JENKINS—Yes. The method adopted by the Pastoral Board when dealing with pastoral lessees is not one of coercion. It discusses the matter quietly with the lessees and arrives at an amicable arrangement as regards the number of stock to be carried on their holding. If stock-carrying can be reduced on holdings there seems a chance of the regeneration of those areas. The difficulties are known to everybody who has a knowledge of pastoral conditions in this State. The work cannot be lightly undertaken or easily overcome. Those who have been engaged in pastoral pursuits in the areas mentioned know that the carrying capacity of their holdings has been permanently reduced. They know, too, that, every drought reduces the carrying capacity still further, and at times even permanently. I am hopeful that satisfactory results will be obtained following upon the collaboration I have mentioned. Experiments have been undertaken by lessees on a number of pastoral properties to effect regeneration by closing off certain small areas, from which all livestock and vermin are kept. The immediate response has been good and, apart from saltbush, there has been a quick growth of indigenous plants. It is probably because of the scarcity of seed that saltbush has not returned so quickly, but the mulga, blue-bush, and other indigenous bushes have returned fairly quickly,'although their growth is somewhat slow.

With the exception of annual plants, the growth of plant life on country with an average rainfall of 5in. to 8in. must be slow. When areas have to be locked up for some years they become an uneconomic proposition for leaseholders, and that is where the State must come in and provide some relief. Immediately inside our pastoral areas is the marginal country, where formerly blue-bush, saltbush and other growth flourished. Years ago these areas were opened up for agricultural purposes, and as a result bushes which were indigenous to the areas have been destroyed. In many cases today farmers are holding areas insufficient to enable them to make a living from grazing. The problem is difficult to tackle in the northern marginal areas extending from Terowie and Peterborough to Hawker. The Soil Conservator, Mr. Herriot, will shortly make an inspection of those areas with his assistant with the idea of formulating soil conservation research where work can be undertaken, in order to see if it is possible to regenerate the natural bush.

The problem is different in our mallee lands In the Murray mallee much of the menace of soil erosion has been overcome by the adoption of sound agricultural practices. Many thousands of acres of ,drift land in the Loxton district have been dealt with and the drift has been arrested, but the country will again drift if it is overstocked and over-cropped. Much of the land which was a drifting wilderness a .year or two ago is to-day covered with growth of one kind or another, which is holding it. Some paddocks have been sown, whilst drift on much of the Murray mallee has been arrested by wild mustard. The problem on the far West Coast is more difficult, because the soil drifts from soil in the Murray mallee. It is easier to arrest drift in soils that have some cohesion, but the calcareous soils on the far. West Coast have not that cohesion. The areas concerned are extensive and we must learn in experience. We have learned that if we do not occasionally cultivate and dress many of the lighter soils, from which the vegetation has been cleared, with a certain quantity of superphosphate to give some stimulus to the native growth we shall again be looking for trouble. Overstocking is at least as bad as over-cropping and the proper thing is to try to achieve a balance between a reasonable stocking and reasonable cropping programme which will enable these people to carry on satisfactorily and prevent a repetition of the extreme con­ditions that have applied recently.

The object of this Bill is to set up improved administrative machinery to deal with the problem of soil erosion. Under the present law the Minister of Agriculture has certain powers to compel landowners to take measures for the prevention of erosion. It is, however, desirable that the administrative arrangements for dealing with this problem should be decentralized, not only to relieve the pressure of work in Adelaide, but also to stimulate and increase local interest in soil conservation and make it possible to conduct a widespread educational campaign on this subject. The general scheme of the Bill is to provide for the setting up throughout the State of district soil conservation boards consisting mainly of landholders, and to empower those boards to deal locally with soil conservation problems, primarily by encouraging voluntary potion on the part of producers and, secondly, by the exercise of powers.

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Clause 4 contains the detailed provisions for the establishment of soil conservation districts and district soil conservation boards. A district may be established on petition presented to the Minister by at least three-fifths of the occupiers of land in the proposed district. Every petition will be referred to the Advisory Committee on Soil Conservation constituted by the principal Act. The committees will report whether the petition is signed by the proper number of landholders and whether it is desirable, to establish the district. The committee may either recommend the establishment of a soil conservation district as prayed in the petition or may recommend that some other area be constituted a district. In no case, however, will a district be constituted unless at

least three-fifths of the occupiers of land in the district consent thereto. The term "occupiers of land" includes public authorities such as municipal and district councils, the Railways Commission, the Minister of Works and other persons or bodies acting under Acts of Parliament. Public authorities will, in effect, be subject to the same rights and liabilities under the Bill as private landowners. I n an area within which part IV. of the Sand Drift Act applies, the Bill empowers the Governor to establish a soil conservation district without petition. Part IV. of the Sand Drift Act contains provisions enabling a municipal or district council to compel private landowners to take action for the prevention of sand drift. This part applies only in such areas of the State as are specially proclaimed, and it is reasonable to assume that wherever part IV. of the Sand Drift Act has been brought into operation the provisions for soil conservation are necessary and will be accepted by the landowners.

A new section 6c contained in clause 4 provided that a soil conservation district may be enlarged at any time on the recommendation of the advisory committee, provided that three- fifths of the occupiers of land .within any additional area added to .the district consent to such addition. On the enlargement of a district the Governor may direct that the existing members of the district soil conservation hoard shall vacate their seats and that a new hoard shall be appointed.

Section 6d provides for the constitution of s district soil conservation board for every district.

Mr. Christian—Will local governing areas be appropriate areas?

The Hon. G. P. JENKINS—In many cases, no. The area considered to be of proper size for a. district will be an area where the problem is the same. For instance, over most of the area drained by the River Broughton the problems would be similar and the soil conservation board could cover most of them. Even if the whole State were divided into districts, it is not expected that more than nine would be required. It is not the intention to set up a number of small boards whose work might conflict to a great extent one with another. Every board will consist of not less than seven members appointed by the Governor on the recommendation of the advisory committee. The term of office of a member of the board will be three years. It is contemplated that members will act in an honorary capacity, but may be paid allowances for any expenses incurred by them. We are encouraged in the belief that we shall get splendid service from many men in this direction. I have in mind the district war agricultural committees. When they were first set up there was, in many instances. the insularity attaching to local people who are appointed to do a particular job, but as the war progressed these men became imbued with a high sense of public duty, and when we referred many matters to them we received information that was entirely reliable. I believe we shall have similar results by the setting up of committees to deal with the problem of soil erosion. The duties of a district board are set out on page 3 of the Bill. They include the following:—

1. To foster local interest in soil conservation by lectures, discussions and demonstrations.
2. To collect information as to soil erosion and soil conservation.
3. To make investigations at the request of the Minister or the advisory committee.
4. To make reports and recommendations on oil erosion and soil conservation.
5. To make soil conservation orders as provided in the Bill.

A district soil conservation board is empowered to appoint local committees. Each local committee will consist of three persons and will, in general, assist the district board to handle the soil conservation problems arising in the locality for which the local com­mittee is appointed. The members of a district board and a local committee are given powers to enter and inspect privately owned land. District boards are also empowered to summon witnesses and take evidence. It will be impossible for boards to do their work without this power. Boards will, in general, determine their own methods of procedure; but decisions of boards in relation to soil conservation orders must be made in accordance with the procedure set out in the Bill and every such decision must be concurred in by a majority of the whole number of the members of the board.

By clause 5 it is proposed to repeal section 10a of the principal Act. This is the section which authorizes the Minister of Agriculture to direct persons to take measures for soil conservation. The powers of the Minister under this section will be transferred to district boards and other authorities by the Bill. Clause 6 provides that, a person intending to clear land of scrub must give the Soil Conservator in the Department of Agriculture at least three months notice of his intention to clear. There are, however, exceptions to this clause, namely, the clearing of land for fire breaks, for afforestation and for the construction of public works and roads, and the clearing of land in areas declared to be exempt from the clause. It is expected that when the Soil Conservator receives notice of intention to clear land he will consider whether, in the interests of preventing soil erosion, the clearing should be controlled, limited, or prohibited; and if he considers that the landowner should not be free to carry on with any proposed clearing, the department will be entitled to apply to the district board for a soil conservation order to prohibit, control or limit the clearing. I am sure members will realize the necessity to have a power of this nature, and how much trouble might have been saved in the mallee lands if it had existed and had been wisely exercised in regard to clearing. If the tops of sandhills had not been cleared many sand-drift problems would not have arisen.

Clause 7 amends the provisions of the principal Act relating to the protection of trees on roads. Section 13a of the principal Act requires the consent of the Minister of Agri­culture to the cutting down of any tree on a street or road, but does not apply to the

cutting down of a tree, in any municipality. It is proposed in the Bill to extend this exemption to trees within towns so that a council which desires to cut down trees in a country town will not have to apply for permission to do so. To remove doubts it is also provided that section 13a will not apply to dead trees . A further amendment made by clause 7 is to make it clear that the control of the cutting of trees applies to the cutting of trees in parts of roads which the council has fenced, enclosed, leased, or granted on licence or which, for the time being, are not in use. Some doubts have been expressed by layers as to whether the control of the cutting, of trees does apply on parts of roads not actually in use by traffic, and it is desirable to clear up this point.

Clause 8 is the most important clause. Under it the district boards are given power to make soil conservation orders for the protection of land within their respective districts As regards land which is not within a soil conservation district the Soil Conservator is given power to make orders. The circumstances in which soil conservation orders may be made fall into two main classes. The first is where the land occupied by one man is likely to be injured by practices adopted or acts or omissions committed on land occupied by another man. The other class is where a landlord or mortgagee of land feels that, the land is likely to be injured by any practices adopted, or acts or omissions committed by the person in occupation of that land. In either case, an application may be made to the district soil conservation board for a soil conservation order. The specific matters on which an application may be founded are as follows:—

1. The adoption of any agricultural or pastoral practices or methods which are likely to cause damage to the land on which they are, adopted or on any other land:
2. The clearing or intended clearing of any land if the clearing is likely to cause damage to the land cleared or any other land:
3. Failure on the part of any person to take reasonable precautions to prevent erosion or drift of soil or sand on any land.

An application for a soil conservation order may be made by any owner, occupier or mortgagee of land which is likely to be damaged by the practices or acts or omissions complained of; and any owner, occupier, or mortgagee of land on which such acts, omissions or practices are likely to take place may be made a respondent to any application. A board may refuse to consider an application unless it is satisfied that the applicant has endeavoured to settle the matter in issue between himself and the respondent by negotiations, and may postpone the consideration of any application to enable such negotiations to take place. If the board decides to proceed with any application it will fix a time and place for conducting the inquiry and hearing any witnesses and will also obtain a report from an officer of the Soil Conservation Branch Of the Department of Agriculture. After considering all the evidence and information the board may make a provisional soil conservation order or a provisional order dismissing the application.

The matters which may be included in a pro visional soil conservation order are set out page 8 of the Bill. Summing up,, it may be said that an order may require the respondent to do anything necessary to prevent soil erosion or to refrain from doing anything likely to cause soil erosion, and may apportion the cost of or, losses resulting from any action required to be taken between two or more respondents if there are two or more of them, or between the applicant and the respondent. Every provisional order will be submitted to the Advisory Committee for Confirmation. Any party will have the right to make representations to the Advisory Committee and show cause why the order should not be confirmed. These representations must be considered by the committee which will thereafter either confirm or annul the provisional order. If no representations are made to the committee within fourteen days or such longer time as may be specified in the order the chairman of the committee may confine. the order on behalf of the committee. A soil conservation order may be made to run with the land, that is to say, to be binding both on the present owners and occupiers of the land and on future owners and occupiers. If an order provides that it is to be so binding, it must be registered in the Lands Titles office or the General Registry office, according to .whether the land is under the Real Property Act or the old system.

A breach of a soil conservation order will he an offence punishable on summary conviction. Further, if a person bound by an order fails to do any act or work which the order requires him to do the Advisory Committee may do the act and the person in default will be liable to pay the cost incurred in doing it. Orders may be discharged for just cause by the board -which made them or, if a, board has ceased to exist, by the Soil Conservator. Clause 9 contains n consequential amendment of the principal Act.

Clause 10 contains an amendment of the Crown Lands Act which is similar to an amendment which has already been made to the Pastoral Act. The amendment takes the form of a new provision providing that all agreements and leases granted under the Crown Land Act may, in future, contain conditions for restricting the number of stock to be depastured on the land. The clause also provides that the Land Board may give notice in writing to any lessee or purchaser under a Crown lease or agreement requiring him to reduce the number of stock on his land to the number specified in the notice. If the, lessee or purchaser fails to comply with such a notice his lease or agreement will be subject to forfeiture.

Some question was raised during the earlier part of my remarks as to the steps taken in the United States of America. In the introduction to the article on “The Sociology of Soil Conservation in the United States.” by Mr. M. Rotheberg, M.Agr.Sc., M.A., which appeared in the June, 1945, issue of the “Journal of the Australian Institute of Agricul­tural Science,” he states:—

“By the end of 1944, according to a statement by the Soil Conservation Service, there were 1,188 soil conservation districts in forty-five States, comprising approximately 658,000,000 acres of land and over 3,000,000 separate farms and ranches.”

U.S. War Food Administrator Marvin Jones, in testimony before the House of Representatives Appropriation Sub-Committee said:'—- "The enormous growth of soil conservation practices was a major factor in enabling American farmers to achieve an all-time food production record in 1944 and to meet the extraordinary wartime demands of the armed forces, the home front and the Allied nations.”

H. Bennett, Chief, U.S. Soil Conservation Services, states:—

“We have stopped the dust storms, at least temporarily. We know how to handle the dongas (gullies) and the sheet erosion, and we are getting along with the work. As the results are increasing yields and farm income, the farmers like it. And it is all paying dividends to the nation.”

In the substance of the article the following statements are made by Mr. Rotheberg:—

“A Soil Conservation Service has been set up by the U.S. Government to direct the national policy of conservation and to provide technical advice and finance for carrying it out. Soil conservation operations are being carried on to-day in all but three of the 48 States of the Union under the guiding hand of this organization. Contour farming, terracing and strip cropping are changing the face of American Agriculture. These, activities are the outcome of voluntary action on the part of farmers operating through some 1,200 self-governing soil conservation districts.

“The Soil Conservation Service relies very largely on education and co-operation. It can be foreseen, however, that the State might decide to use more direct methods than these in the protection of its more lasting interest in the land. The State may demand that a farmer follow a specified practice or else suffer certain penalties. The justice of such action will depend on a number of factors. First, the ability of the farmer to follow the practice. Second, the possession by the farmer of the necessary means and equipment for carrying out the operation. Third, the extent to which these demands represent popular opinion. Fourth, the right of farmers to appeal against these demands. In the absence of these prerequisites, it can safely be predicted that voluntary soil conservation will simply not occur. Obviously the farmer must be assisted by the State or Perhaps even be coerced to follow the rquired practices.

‘‘Land use regulations may require distal farmers to. carry out such operations as ^racing and contour cultivation. To avoid any accusation of regimentation, districts are, urged to enact these regulations only as the need for them becomes evident. Should an occupier in a soil conservation district refusal to comply with the regulations jeopardizes the control of erosion on other lands in the district, the supervisors may petition the local courts to order the land occupier to observe the regulations. If the land pier does not obey the court order, the, supervisors are authorized to go on to his land do the necessary work, and collect costs from him. In such a case the land occupier may have recourse to a board of adjustment. If he is able to sustain a plea of unnecessary hardship arising out of the regulations, he may petition the board for relief from the regulations Appeals against the board may be heard in local courts. By these means the legal rights of all land occupiers in soil conservation districts appear to be guaranteed.

"Judged by the figures for co-operating farmers, the districts movement has been an outstanding success. Thus from August, 1937, to the end of 1944, 45 States with 1,188 districts covering 658 million acres and more than three million separate farms had been organized. An average district has therefore an area of just under half a million acres and contains about two and a half thousand farms. Already in 1940 the Secretary of Agriculture was moved to declare: "The speed with which landowners and operators all over the United States are organizing soil conservation districts for a co-operative attack upon their problems of soil erosion and soil conservation is one of the most remarkable developments in recent American Agricultural history".

"As an instrument for developing rural community consciousness, the soil conservation district appears to serve a distinctly useful purpose. It provides a focus of interest for all people living in one watershed region. Apart from encouraging co-operation among farmers, evidence is available to show how the district is stimulating greater co-operation between townspeople and farmers. Within the rural population, the district movement appears to be developing closer bonds and helping to break down some of the social characteristics of some American farmers. The frequency of meeting of the district, the contact with other co-operators and with the technician—these factors and others—all enable the farmer to view his neighbour in a new light, as a collaborator in conservation working for the common good. Under these circumstances, landlord and tenant in discussing their five-year conservation plan will recognize the advantage to be gained from drawing up a long-term lease instead of the customary short-term one. In this spirit they may also be able to compose other differences in their tenure agreement".

The success of this movement in the United States opens up great possibilities with its introduction into South Australia. It is with an earnest desire to formulate a working and practical scheme which will bring forth similar results in this State that I introduce the Bill. I commend it to hon. members for their consideration and move the second reading.