**SOIL CONSERVATION BILL 1939**

**Legislative Assembly, 16 August 1939, pages 561-5**

Second reading

**The Hon. R. J. RUDALL (Angas—Commissioner of Crown Lands)—**Although I may regret the necessity of introducing this Bill, it is a measure the introduction of which will, I feel sure, meet with the approval of the whole House. Members know from letters and articles from experienced men published in the press during the past few years that deterioration has been taking place over large areas of land, especially on that- which is situated in the lower rainfall localities. The Council for Scientific and Industrial Research investigated the matter and sent Mr. F. N. Ratcliffe over large areas of the Commonwealth, more particularly through what are known as marginal and interior regions. Mr. Ratcliffe !s report emphasized the seriousness of the position and recommended that action was necessary if we wished to preserve that country for future generations and to prevent the further depletion of the land. The Government considered that a report on the best methods of conservation of the soil and pastures should be obtained, and appointed a committee to investigate the cause of the deterioration of the country and the most practicable methods of dealing with the matter. The committee consisted of the Director of Agriculture (chairman), the director of the Waite Institute, the Conservator of Forests, the Engineer for Water Supply, and a member of the Pastoral Board. Before presenting its report the committee visited many parts of the State, obtained firsthand information of the position, and made every endeavour to obtain reports on methods of reclamation and preservation adopted in other countries affected by the erosion problem.

The soil conservation report has been in the possession of honourable members for a considerable time and I do not feel that it will be necessary for me to refer to it in detail. As regards considerable areas of pastoral country, the committee considered that its carrying capacity had been reduced substantially in recent years through the destruction of the natural vegetative cover and the increasing erosion and drift of the soil. mIt found that in these areas the erosion is fundamentally due to the destruction of vegetation by the over- grazing of stock, accentuated by droughty seasons, and the depredations of rabbits. The position in our mallee lands is far from satisfactory, mainly due to indiscriminate clearing of scrub cover during the progress of settlement and the cultivation of light sandy land on which the original scrub acted as a natural protection. In the higher rainfall districts much erosion is reported, due to the destruction of arboreal cover to make way for the growing of crops and pasture. A reservation of some timber belts would, in most cases, have prevented this erosion. The committee has presented maps which show the extent of the deterioration which has taken place in South Australia. No one can look at the maps accompanying the report without being somewhat horrified at the enormous extent of the problem throughout the State.

The committee, in travelling over the country, was impressed with the many instances

and methods adopted by the landholder to preserve and reclaim his land. It was noticed that where land had been kept unstocked or lightly stocked much improvement was apparent. The fencing off, by stock-proof material only, of small areas had produced most encouraging results. The results of these individual efforts to repair depleted country have shown that it is possible to do much towards the preservation of the land. The need to prevent the destruction of timber on our arid pastoral lands is stressed by the committee, such timber or scrub being thought necessary to break the force of the wind and to provide shelter for the land and stock. It is further recommended that where land is in such a drifty condition that it is a menace to the surrounding country, town or public utilities, it should be resumed by the Crown and proclaimed a flora reserve.

Steps have already been taken to prevent the over-stocking of pastoral lands, and where pastoralists have agreed to reduce their flocks concessions have been made in the rental charges. All recent leases of pastoral lands contain stocking restrictions, and this practice will be followed in the future. The Government has given instructions that, where it is advisable to preserve scrub, all new leases— Crown leases generally—shall contain a condition that one-tenth of the area of the block must be placed in reserve and maintained in zones or belts in such a position that the scrub -will act as a wind or water break or breaks. The Bill does not provide for the setting up of a new department to deal with soil conservation, for it is considered that the necessary work can be undertaken by the Minister of Agriculture and his officers. The Bill provides for an advisory committee, which shall advise the Minister on all matters pertaining to soil conservation.

Mr. Riches—Doesn’t the Minister think that the Pastoral Board is competent to advise?

The Hon. R. J. RUDALL—The board would be competent in regard to pastoral areas, but its activities are limited to those areas, whereas the problem of soil erosion extends far beyond pastoral lands.

Mr. Riches—The Pastoral Board could obtain advice from the Land Board.

The Hon. R. J. RUDALL—It is the function of the Land Board to deal with land outside pastoral lands.

At 6 p.m. the sitting was suspended until 7.30 p.m.

On the House resuming,

The Hon. R. J. RUDALL—The Government regards this Bill as being very important and essential, and the administration of the Act framed on the clauses of the Bill will very materially assist, not only in preventing further deterioration, but also in the reclamation of the already depleted areas. The Government anticipates that in its effort to put the recommendations of the Soil Conservation Committee into practice it will receive the co-operation of all landowners and of all those who are interested in the future welfare of the State. The Government will watch the position very carefully and if additional powers are needed will have no hesitation in asking for them.

Dealing with the Bill itself, the first matter which I will mention is that in clause 2 the word “Minister” is defined to mean the Minister of Agriculture. The effect of the definition is that the Act will be administered by the Department of Agriculture subject to the control of the Minister in charge of it.

The Hon. R. S. Richards—-You intend to utilize the Pastoral Board and the Land Board to a great extent and give jurisdiction to a Minister in another department.

The Hon. R. J. RUDALL—The Advisory Committee will be a committee to advise the Minister of Agriculture. The committee will probably consist of representatives of the boards mentioned, but its members will certainly not be limited to those boards. The appointment, for example, of the Conservator of Forests to the board is a matter which will be considered by the Government.

The Hon. R. S. Richards—The Pastoral Board and the Land Board will be consulted with regard to areas within their jurisdiction and on their reports the committee will function but under the Minister of Agriculture?

The Hon. R. J. RUDALL—The Minister of Agriculture will be the Minister in charge of the actual working of the Act. In this case there will not only be co-ordination between the officers of the Departments of Agriculture and Lands but also between those officers and such men as the Conservator of Forests, who is, of course, under the Minister of Agriculture temporarily, and the Engineer-in-Chief. Unless that were done the committee would not be composed of the full expert, opinion available.

Mr. Shannon—Would there be a representative of the Waite Research Institute?

The Hon. R. J. .RUDALL—I could not say. The Government is given a free hand in the

appointment and I would not like to say whether any specific individuate would be appointed.

The Hon. G. F. Jenkins—Seeing that the two principal bodies concerned are the Land Board and the Pastoral Board, would it not be better that they should report to the Commissioner of Crown Lands?

The Hon. R. J. RUDALL—That is a point which has already received the Government’s consideration.

The Hon. R. S. Richards—There can be no objection to co-ordination of the activities of departments, but when the Minister of one department enters upon the confines of another Minister there may be trouble.

The Hon. R. J. RUDALL—There may be, but if the administration of the Act was under the Commissioner of Crown Lands the Department of. Agriculture would have to be consulted in many cases with regard to whatever preventions or cures had to be undertaken. In a considerable number of activities of. the Departments of Agriculture and Lands there is no real dividing line. They are departments which do and ought to work together harmoniously. From one point of view it does not matter materially under which department the administration is put. We could advance a strong argument in favour of its being under the Crown Lands Department, but on the other hand there could be an equally strong argument for its being under the Department of Agriculture.

The Hon. G. F. Jenkins—Any legislation which comes about as the result of the appointment of this committee will probably be through the Commissioner of Crown Lands, therefore would it not be better that the report should go direct to the responsible Minister in such case?

The Hon. R. J. RUDALL—There might be matters which would concern the Department of Agriculture on which the Advisory Committee would recommend action, and anyone arguing in favour of the Department of Agriculture might use exactly the same argument as the member for Newcastle. I do not think the Government is wedded to any particular department.

Mr. Shannon—Afforestation also plays an important part.

The Hon R. J. RUDALL—Yes.

Mr. Melrose—Would it not be wise to leave it that the Government is not wedded to :anv particular department?

The Hon. R. J. RUDALL—That is the Government ’s attitude. It is quite willing to listen to any arguments and views and if it is decided in Committee that the administration should be under the Commissioner of Crown Lands instead of the Minister of Agriculture I am sure there will be very little opposition from the Government. There are a considerable number of arguments in favour of the administration being vested in the Department of Agriculture. By clause 3 the Bill is incorporated with the Compulsory Acquisition of Land Act. The result of this incorporation is that if the Government takes any land for the purposes of carrying out its programme of soil conservation and the owner is not willing to give or sell the land to the Government he will have a claim for compensation for the land taken and for any injury done to him as a result of soil conservation works carried out by the Government.

The Hon. R. S. Richards—Improve a man’s land and then pay him compensation.

The Hon. R. J. RUDALL—The danger to one particular man’s land might be a matter of small moment, but if it were allowed to continue the danger might not only be to that land but to other land miles away.

The Hon. G. F. Jenkins—It may be the protection of a township.

The Hon. R. J. RUDALL—The protection given will not only be afforded to the actual

landowner. When that aspect is considered I do not think one can dismiss the position by saying that we would be protecting one man’s land and giving him compensation without recognizing the larger aspect. It is, however, contemplated that there will be few, if any, cases in which compensation will be payable, since landowners will be willing to co-operate with the Government in preventing soil erosion, and most of the soil conservation reserves will be established on Crown lands. Clause 4 provides for an Advisory Committee on Soil Conservation. The Government is given a free hand to determine the number of members of the committee and the terms of their appointment. It is, however, provided that the members of the committee will not by virtue of their membership be subject to the Public Service Act. Their remuneration, if any, will be fixed by the Governor. The committee is an advisory one only. Its duties, as set out in clause 6, are to advise the Minister on such matters relating to soil erosion, and soil conservation as are referred to it by the Minister.

The Hon. G. F. Jenkins—Is there power under the clause to appoint a permanent com­mittee of paid men?

The Hon. R. J. RUDALL—I think the clause would allow that to be done, but that is not the intention of the Government.

Mr. Shannon—Will one of the duties of the committee be to deal with the question of re­afforestation of certain areas to prevent soil erosion?

The Hon. R. J. RUDALL—The committee is only advisory, but the scope of the clause is wide enough to allow any matter dealing with soil erosion and conservation to be referred to it for report. If re-afforestation is one method of dealing with soil erosion surely that is a matter which would come under the committee’s powers. Clause 7 contains some minor ancillary powers which will be required in connection with the administration of the Act. Before putting any policy of soil conservation into effect preliminary investigations will be necessary, and for this purpose it will be essential that officers of the Department of Agriculture and members of the Advisory Committee have power to enter upon land and make surveys and investigations. Clause 7 therefore provides that the Minister, the Advisory Committee, and persons authorized by the Minister may enter on any land and make investigations, and protects them against hindrance and molestation while doing so . Clause 8 provides that the Minister may for the purpose of creating soil conservation reserves acquire any land by purchase or compulsory process. It also provides that where a pastoral lease contains a power to resume land for public purposes that power shall extend so as to authorize the resumption of land for soil conservation reserves or for the exercise or performance of any other duty or function under the Bill.

Mr. Riches—Would that include tree conservation?

The Hon. R. J. RUDALL—This clause deals with the resumption of land. With regard to pastoral leases, as the honourable member knows, the Government has full power concerning the preservation of timber. Clause 9 empowers the Governor to create soil conservation reserves by proclamation, and also to add additional land to any such reserve which has been created, or to exclude from any soil conservation reserve any of the land included therein. It is also provided that every soil conservation reserve will be under the control and management of the Minister of Agriculture, who must manage the reserve in such a way as to conserve the soil and prevent injury to other land. Clause 9 also prohibits the public from removing or injuring any of the vegetation upon a soil conservation reserve without the consent of the Minister. Clause 10 confers on the Minister a general power to construct on any land fences, contour banks, channels, or any other works which the Minister thinks, it necessary or expedient to construct for the purpose of conserving the soil, or for the purpose of conducting research into soil erosion. If in the course of any action taken under this clause the Minister causes damage to any person that person will be entitled to compensation. This follows from the fact that the Compulsory Acquisition of Land Act is incorporated with the Bill. Clause 11 provides that the Minister may make grants or loans of money to landowners, administrative bodies, or other persons, for fencing any land or constructing any other works for the purpose of conserving soil, or for purchasing and planting trees, or for research into soil erosion. This clause can, of course, be used only if Parliament makes a special appropriation of money for the purpose.

Mr. Davies—Is the clause limited to the planting of trees, or does it include the planting of shrubs and grasses?

The Hon. R. J. RUDALL—I think it would apply to any works. I should imagine that pastures would probably come under "other works” as much as any other work. Clause 12 contains an important provision for the purpose of carrying out recommendation No.8 in the Soil Conservation Committee’s report. This recommendation is that provision should be made to prevent the droving of stock along stock routes running parallel to and alongside railway lines, past the first trucking station on the route being taken. It is not, however, expedient to put the committee’s recommendation in the Bill as a principle of universal application, but clause 12 enables the Minister of Agriculture by notice in the “Gazette” to prohibit the travelling of stock on any route or travelling stock reserve specified in the notice.

The Hon. G. F. Jenkins—No mention is made in the Bill about travelling stock past trucking stations.

The Hon. R. J. RUDALL—The honourable member will see that clause 12 enables the Minister of Agriculture, by notice, to prohibit that and although, that particular aspect is not taken into consideration, in order to carry out the actual recommendation of the committee on that point some power as suggested is essential.

The Hon. G. P. Jenkins—The clause gives a much wider power.

The Hon. R. J. RUDALL—Undoubtedly The .prohibition will not be made except on the recommendation of the Land Board as regards roads and reserves inside hundreds and on the recommendation of the Pastoral Board as regards roads and reserves outside hundreds. The notice will be gazetted at least 14 days before it comes into operation. By the exercise of the powers conferred by this section the Minister will be able to carry out the committee's recommendations wherever it is practicable to do so. Clause 13 contains a general power for the preservation of trees. The Minister is enabled to serve on the occupier of any land a notice asking him to show cause why an order should not be made forbidding such occupier to cut down or destroy trees on his land, without the consent of the Minister.

The Hon. J. Mclnnes—Would that include land under the control of councils?

The Hon. R. J. RUDALL—The extension of the power to district roads requires great consideration. In Committee I will let the House know whether the point is covered. If it is not, the Committee can decide whether it should he covered. On this particular matter the Government is prepared to rest on the decision of the House. The clause does not provide for a land owner to get permission before he cuts down trees. That would be a power almost impossible to administer in practice. The clause enables the Minister to serve a notice on the occupier of any land where the cutting down of trees would lead to the danger this Bill seeks to prevent, unless the owner can show good reason to the contrary. The occupier of land, when served with such a notice, will be entitled to make representation to the Minister and after hearing the representation the Minister may order that the trees on the land of such occupier shall not be destroyed except in the circumstances or with the consent specified in the order. Any person who contravenes an order or who does not comply with any condition applicable to the cutting down of trees wiii be guilty of an offence.

Clause 14 inserts a new provision in the Pastoral Act to control overstocking. The clause applies both to existing and future leases. It declares that future leases must contain such terms, covenants, and conditions as the Commissioner of Crown Lands thinks fit for restricting the number of stock to be depastured on the land comprised in the lease. It also provides that all pastoral leases are deemed to contain a covenant that the lessee will comply with any notice given by the Commissioner for the purpose of preventing permanent injury to the land by overstocking. The Commissioner is empowered, if he thinks that the lessee is overstocking so as to cause permanent injury, to give the lessee notice in writing asking him to reduce the number of his stock and to keep them down to any number specified in the notice, and if the lessee fails to comply with the notice he will be in the same position as if he had been guilty of a breach of the covenant in his lease.

The remaining clauses of the Bill are the usual miscellaneous and financial provisions. It will be noticed that under clause 16 all moneys required for the purpose of the Bill must be appropriated by Parliament. Clause 17 sets out the modes in which notices may be served, while clause 18 is a provision empowering the Gover­nor to make regulations for the prevention of soil erosion and for the due administration of the Bill. I have been very carefully through all the recommendations in the committee’s report, and I think I am accurate in informing the House that every one of the recommendations can be put into operation either by reason of administrative powers we now hold or by reason of the provisions in this Bill. I move the second reading.

The Hon. R. S. RICHARDS secured the adjournment of the debate.