



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 74 of 1984

An Act to amend the Soil Conservation Act, 1939.

[Assented to 15 November 1984]

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, 1984". Short title.

(2) The Soil Conservation Act, 1939, is in this Act referred to as "the principal Act".

2. Section 2 of the principal Act is amended by striking out the definition of "Soil Conservator" and substituting the following definition: Amendment of s. 2— Interpretation.

"Soil Conservator" means the person for the time being holding or acting in the office of Soil Conservator.

3. The following section is inserted after section 6 of the principal Act: Insertion of new s. 6aa.

6aa. (1) There shall be a Soil Conservator. Soil Conservator.

(2) The Soil Conservator shall be appointed, and shall hold office, subject to and in accordance with the Public Service Act, 1967.

(3) The office of Soil Conservator may be held in conjunction with any other office in the Public Service of the State.

4. Section 12a of the principal Act is repealed. Repeal of s. 12a.

5. The following heading and section are inserted after section 13 of the principal Act: Insertion of new s. 13a and heading.

Duty of Owners of Land

13a. (1) It is the duty of an owner of land to take reasonable precautions to prevent the occurrence of soil erosion on the land. Duty of owners of land.

(2) In this section—

"owner" of land includes an occupier of the land.

Amendment of
s. 13c—
Procedure on
applications.

6. Section 13e of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (1) the passage “an officer of the Soil Conservation Branch of the Department of Agriculture” and substituting the passage “the Soil Conservator”;

and

(b) by inserting after paragraph (c) of subsection (3) the following paragraph:

(ca) that the respondent take such action as is specified in the order to make good any damage caused to the land of the applicant or any other land specified in the order;

Amendment of
s. 13j—
Enforcement of
orders.

7. Section 13j of the principal Act is amended by striking out subsection (4).

Insertion of new
s. 13ja.

8. The following section is inserted after section 13j of the principal Act:

Non-compliance
with soil
conservation
orders resulting in
damage.

13ja. (1) Where a person fails to comply with a soil conservation order and damage is caused to the land of another person which would not have been caused if the order had been complied with, that other person may recover damages from the person against whom the order was made.

(2) Where a person fails to comply with a soil conservation order requiring him to make good damage caused to the land of another person, that other person may recover the cost of making good the damage from the person against whom the order was made.

Repeal of s. 14.

9. Section 14 of the principal Act is repealed.

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

D. B. DUNSTAN, Governor