

No. , 1937.

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## A BILL

To make provision for the conservation of soil resources and for the mitigation of erosion; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith.

[Mr. VINCENT;—17 December, 1937.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows:—

### PART I.

#### PRELIMINARY.

1. (1) This Act may be cited as the "Soil Conservation Act, 1937."

46437 15—

(2) Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division  
into Parts.

2. This Act is divided into Parts as follows:—

- PART I.—PRELIMINARY—*ss.* 1-3. 5
- PART II.—SOIL CONSERVATION SERVICE—*ss.* 4-15.
- PART III.—AREAS OF EROSION HAZARD—*ss.* 16, 17.
- PART IV.—PROCLAIMED WORKS AND CATCHMENT AREAS IN CONNECTION THEREWITH—*ss.* 18-21.
- PART V.—GENERAL—*ss.* 22-31. 10
- PART VI.—REGULATIONS—*ss.* 32-35.
- PART VII.—AMENDMENT OF VARIOUS ACTS—*s.* 36.
- SCHEDULES.

Definitions.

3. In this Act, unless the context or subject matter otherwise indicates or requires— 15

“Director” means the Director of the Soil Conservation Service appointed under this Act.

“Owner,” in relation to land, includes every person who jointly or severally, whether at law or in equity:— 20

- (a) is entitled to the land for any estate of freehold in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or 25
- (c) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise; or 30
- (d) is the holder of any lease granted under the Crown Lands Acts or any other Act relating to the disposition of lands of the Crown. 35
- “Prescribed”

“Prescribed” means prescribed by this Act or by the regulations.

“Regulations” means regulations made under this Act.

5 “Schedule” means Schedule to this Act.

10 “Statutory Corporation” includes the Metropolitan Water, Sewerage and Drainage Board, the Hunter District Water Supply and Sewerage Board, the Commissioner for Railways, the Commissioner for Main Roads, the Commissioner for Road Transport and Tramways, the Reclamation Trust of New South Wales, the Maritime Services Board of New South Wales, the Water Conservation and Irrigation Commission, the  
15 Forestry Commission of New South Wales, and any county, municipal or shire council.

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## PART II.

### SOIL CONSERVATION SERVICE.

20 **4.** (1) The Governor may, under and subject to the <sup>Director.</sup> Public Service Act, 1902, as amended by subsequent Acts, appoint a person to be the Director of the Soil Conservation Service.

25 (2) The Director shall, subject to the control of the Minister, exercise and discharge the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.

30 **5.** (1) The Governor may, under and subject to the <sup>Officers and employees.</sup> Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the execution of this Act.

(2) For the purpose of this Act the Minister may, with the approval of the Minister of the department concerned, on such terms as may be arranged, make use of the services of any of the officers or employees of any  
35 Government department.

(3)

(3) For the purposes of this Act the Minister may, with the approval of the statutory corporation concerned, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of any statutory corporation.

5

Experi-  
mental and  
research  
work.

**6.** (1) With a view to conserving the soil resources of the State and protecting catchment areas the Director may of his own motion, and shall, if so directed by the Minister, conduct experimental and research work in connection with soil conservation and erosion mitigation and in connection with any other purpose contemplated by this Act.

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(2) Without prejudice to the generality of subsection one of this section the Director may, in connection with any such work, make such surveys and investigations as he may deem necessary.

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Power of  
Minister to  
direct special  
investigations.

**7.** The Director shall conduct such investigations relative to any special aspect of erosion as may be required by the Minister.

Power of  
Minister to  
direct or  
authorise the  
making of  
surveys, etc.

**8.** The Minister may authorise or direct the making of any survey or the carrying out of any investigation or other operations which he considers necessary or desirable for giving effect to any of the purposes of this Act.

20

Publication  
of  
information.

**9.** The Director may—

- (a) publish such information as he may think necessary of the results of any experimental or research work conducted under this Act;
- (b) conduct demonstrations of methods of soil conservation or erosion mitigation in any part of the State;
- (c) carry into effect projects in any part of the State.

30

Project.

**10.** (1) The Director shall prepare and forward to the Minister a scheme of operations for the purpose of soil conservation or erosion mitigation or for any other purpose contemplated by this Act—

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- (a) in respect of each of the catchment areas constituted under this Act—as soon as practicable after the commencement of this Act;

(b)

(b) in respect of any catchment area notified under this Act—as soon as practicable after the notification of such catchment area;

5 (c) in respect of any area of erosion hazard notified under this Act—as soon as practicable after the notification of such area of erosion hazard.

(2) The Director may prepare and forward to the Minister a scheme of operations for the purpose of soil conservation or erosion mitigation or for any other purpose contemplated by this Act in respect of any land not being an area mentioned in subsection one of this section.

(3) Each scheme of operations shall—

(a) indicate the lands proposed to be dealt with under the scheme;

15 (b) indicate generally the nature and class of operations to be carried out on those lands.

(4) The Minister may submit the scheme of operations to the Governor for his approval.

20 (5) A scheme of operations which has been approved by the Governor in accordance with this section is in this Act referred to as a “project.”

25 **11.** (1) Where a project has been instituted the Minister may, on behalf of His Majesty, enter into such agreements with all or any of the respective owners of or persons otherwise interested in the lands proposed to be dealt with under the project as may be necessary to ensure the carrying into effect of the project.

Agreements relative to projects.

(2) The instrument evidencing any such agreement may be executed by the Director for the Minister.

30 (3) Where an owner who has entered into an agreement under this section is the holder of land of any tenure under any Act relating to the disposition of lands of the Crown, no act, matter or thing which such owner, under or in conformity with such agreement, does or  
35 abstains from doing upon or in relation to his land, shall render such land liable to forfeiture under any such Act merely

merely by reason of the fact that the doing or abstaining from the doing of such act, matter or thing constitutes a breach or non-performance of any covenant, condition or provision applicable to such land under any such Act.

Advances  
and  
payments.

**12.** The Minister may, out of moneys provided by Parliament— 5

(a) make an advance, upon such security and at such rate of interest and subject to such covenants, conditions and provisions as he may think fit, to any owner of land proposed to be dealt with 10 under a project who has, pursuant to this Act, entered into an agreement, for the purpose of enabling such owner to carry out his obligations under such agreement;

(b) pay any costs or expenses incurred— 15

(i) in carrying any project into effect;

(ii) under any arrangement made pursuant to section thirteen of this Act;

(iii) in carrying out any works under subsection one of section fourteen or under 20 section seventeen of this Act.

Carrying out  
of works by  
Government  
departments  
and statu-  
tory bodies.

**13.** The Minister may arrange with the Minister of any Government department or with any statutory corporation for the carrying out by such department or statutory corporation of any work required or authorised 25 by or under this Act to be carried out by the Minister or the Director.

Carrying  
out of works  
by Minister  
or Director.

**14.** (1) The Minister may carry out or authorise the Director to carry out any work in connection with soil conservation or erosion mitigation or in connection with 30 any other purpose contemplated by this Act whether or not such work is for the purpose of giving effect to a project.

(2) The Minister shall be deemed to have authorised the carrying out of any work required or authorised 35 to be done by an owner of or other person interested in any land under any agreement made pursuant to this Act. (3).

*Soil Conservation.*

(3) Where any work referred to in this section or in section thirteen or section seventeen of this Act is constructed or used or is proposed to be constructed or used for the purpose of—

- 5 (a) water conservation, irrigation, water supply or drainage; or
- (b) the prevention of inundation of land and overflow of water thereon; or
- 10 (c) changing the course of a river,

such work shall be carried out under the authority of a license or permit issued pursuant to Part II of the Water Act, 1912-1936:

15 Provided that the Water Conservation and Irrigation Commission may, in any case where, in its opinion, the circumstances so warrant, authorise the carrying out of such work without any such license or permit.

Where any such authority is given the provisions of Part II of the Water Act, 1912-1936, relating to licenses or permits, shall not apply to or in respect of the construction or use of the work referred to in any such authority.

15. (1) The Director or any officer or employee may, in the exercise or performance of any power, authority, duty or function conferred or imposed upon him by or 25 under this Act, enter any land, and make such surveys, place such marks, and carry out such investigations thereon (including the taking of specimens of soil) as he may deem necessary.

Power of entry.

(2) Where the exercise or performance of any 30 power, authority, duty or function conferred or imposed upon the Director or any officer or employee by or under this Act requires the making of an entry upon any land by the Director or by any officer or employee, the Director or such officer or employee shall be furnished with an 35 authority card in the prescribed form.

Any such authority card may be general or may be limited to specified land or to land in any specified part of the State.

Production of any such authority card shall be evidence 40 of the authority of the bearer thereof to enter any land

to

to which such authority card relates and to make surveys, place marks and carry out investigations thereon.

- (3) Any person who—
- (a) obstructs or hinders the Director or any officer or employee from making any survey, placing any mark, or carrying out any investigation authorised by this section; or 5
  - (b) removes or interferes with any mark placed on land under the authority of this section, shall be liable to a penalty not exceeding *five* pounds. 10

### PART III.

#### AREAS OF EROSION HAZARD.

Areas of erosion hazard.

- 16.** (1) The Governor may, on the recommendation of the Minister, notify in the Gazette as an area of erosion hazard, any area of land which, in his opinion— 15
- (a) is subject to erosion; or
  - (b) is liable to erosion; or
  - (c) is likely to become liable to erosion.

(2) No Crown lands within the meaning of the Crown Lands Consolidation Act, 1913, shall be included in any area of erosion hazard except with the concurrence of the Secretary for Lands. 20

Execution of certain works by Director.

- 17.** (1) The Governor may, on the recommendation of the Minister, authorise the Director to enter upon any specified land within an area of erosion hazard and execute such works thereon as may be necessary for the purpose of giving effect to the project instituted in respect of that area in so far as such project relates to that land. 25

No such recommendation shall be made unless— 30

- (a) the Minister is satisfied that the execution of such works is necessary to avoid damage to some other land within such area; and
  - (b) the owner of or other person interested in the land specified in the recommendation has neglected or refused to enter into an agreement under this Act to ensure the carrying into effect of the project. 35
- (2)

(2) Before any work authorised under subsection one of this section is executed notice in the prescribed form of intention to execute such work shall in the prescribed manner be served on the owner of or other person **5** interested in the land specified in the authority.

(3) If any owner or person upon whom any such notice has been so served obstructs or hinders the Director in the exercise of his power to execute such work he shall be liable to a penalty not exceeding *twenty* **10** pounds.

(4) Where the Minister is of opinion that, having regard to all the circumstances, it is just and equitable that the owner of any land upon which any work has been executed under this section should pay or contribute **15** towards the cost of such work he may notify the owner accordingly and shall in such notification specify the amount of the payment to be made by such owner.

The amount so specified, if not paid within the time mentioned in the notification, may be recovered by the **20** Minister from such owner as a debt due to the Crown.

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#### PART IV.

##### PROCLAIMED WORKS AND CATCHMENT AREAS IN CONNECTION THEREWITH.

**18.** The Governor may, by proclamation published in **25** the Gazette, declare any work or proposed work for the storage, regulation or conservation of water, to be a work to which this Part of this Act applies. Proclaimed works.

Any such work is in this Act referred to as a "proclaimed work."

**30 19.** (1) The Minister may notify in the Gazette an area of land as the catchment area in connection with any proclaimed work. Catchment area.

(2) The Minister may modify or revoke any notification under this section by a further notification published in the Gazette. (3)

(3) No Crown lands within the meaning of the Crown Lands Consolidation Act, 1913, shall be included within a catchment area notified under this section except with the concurrence of the Secretary for Lands.

Works and areas set out in Schedules.

**20.** (1) (a) This Part of this Act shall apply to the works respectively mentioned in the First Part of the First, Second and Third Schedules. 5

(b) A reference in any provision (other than section nineteen) of this Part of this Act to a "proclaimed work" shall include a reference to a work referred to in paragraph (a) of this subsection. 10

(2) (a) The area described in the Second Part of the First Schedule shall be the catchment area in connection with the work mentioned in the First Part of that Schedule. 15

(b) The area described in the Second Part of the Second Schedule shall be the catchment area in connection with the work mentioned in the First Part of that Schedule.

(c) The area described in the Second Part of the Third Schedule shall be the catchment area in connection with the work mentioned in the First Part of that Schedule. 20

(d) The areas referred to in this subsection are in this Act referred to as "catchment areas constituted under this Act." 25

**21.** (1) Where the Minister is satisfied—

Preservation of proclaimed works.

(a) that any act or thing done or proposed to be done on or in relation to any land within a catchment area notified or constituted under this Act has caused or is likely to cause damage to or has interfered or is likely to interfere with the utility of any proclaimed work; and 30

(b) that such damage or interference can be mitigated or avoided, 35

he may by notice in writing served personally or by post on the owner of or other person interested in such land require such owner or person to abstain from doing or to do or permit to be done such acts and things as may be specified in the notice. 40

The

The acts and things to be specified in the notice shall be such acts and things as the Minister considers necessary to mitigate or avoid damage to, or interference with the utility of, the proclaimed work.

5 (2) Where the doing of any act or thing specified in a notice under subsection one of this section involves the expenditure of money, such act or thing may be done by the Minister and the cost thereof met out of moneys provided by Parliament.

10 (3) Where the Minister is of opinion that, having regard to all the circumstances, it is just and equitable that the owner of any land upon which any act or thing has been done pursuant to subsection two of this section, should pay or contribute towards the cost of doing such  
15 act or thing he may notify the owner accordingly and shall in such notification, specify the amount of the payment to be made by such owner.

The amount so specified, if not paid within the time mentioned in the notification, may be recovered by the  
20 Minister from such owner as a debt due to the Crown.

(4) Any owner who fails to comply with any of the requirements of a notice under subsection one of this section shall be guilty of an offence and shall be liable for each such offence to a penalty of not more than *twenty*  
25 pounds.

## PART V.

### GENERAL.

22. (1) The Minister may from time to time constitute one or more advisory committees.  
30 Each of such committees shall consist of the Minister, the Director and such number of other members as the Minister may determine.

Advisory  
committees.  
cf. Act No.  
59, 1936,  
s. 9.

(2) The members of any such committee (other than the Minister and the Director) shall hold office for  
35 such term as may be specified in the instrument by which they are appointed.

(3) The Minister shall preside at any meeting of an advisory committee at which he is present. In the absence of the Minister the Director shall preside.

(4)

(4) It shall be the duty of an advisory committee—

- (a) to consider such matters in relation to soil conservation or erosion mitigation or in relation to any other purpose contemplated by this Act as may be referred to it by the Minister; 5
- (b) to furnish reports and recommendations upon any matter so referred to it;
- (c) to carry out such functions of an advisory character as the Minister may determine or as may be prescribed. 10

Resumption.  
cf. Act No.  
55, 1916,  
s. 15.

**23.** The Governor may, under the Public Works Act, 1912, purchase, resume or appropriate land for the purposes of this Act.

Such purchase, resumption or appropriation shall be deemed to be for an authorised work and the Minister for Public Works shall be the constructing authority. 15

The Governor may, by notification published in the Gazette, declare that any land purchased, resumed or appropriated under the authority of this section is vested in His Majesty and upon publication of such notification the land therein referred to shall vest in His Majesty for the purposes of this Act. 20

Leases.

**24.** The Minister may lease any land vested in His Majesty for the purposes of this Act to any person at such rent, and subject to such covenants and conditions as the Minister may determine. 25

The term of any such lease shall not exceed five years.

Vesting of  
works in  
statutory  
body.

**25.** (1) On completion of any work carried out in pursuance of this Act, the Governor, on the recommendation of the Minister, may, by proclamation published in the Gazette, vest in a statutory corporation any work constructed for the purpose of soil conservation or erosion mitigation. 30

The care, control and maintenance of such work shall thereupon devolve upon the statutory corporation. 35

(2) The Governor may, by the same or a subsequent proclamation, vest in the statutory corporation the whole or any part of any land acquired under this Act for the purposes of the work so vested in the statutory corporation. 40

**26.** Any person who, except under the authority of the Director, interferes with or does any act which damages or tends to damage any structure, plantation, breakwind or vegetative cover placed or planted on any land as part of or in connection with any work which is being or has been carried out in pursuance of this Act, shall be liable to a penalty not exceeding *twenty* pounds and in addition shall be liable for any loss or damage caused by the offence.

Interference with or damage to works, etc. cf. Act No. 55, 1916, s. 32.

Such loss or damage may be awarded by the Court imposing the penalty and may be recovered in the same manner as the penalty.

**27.** (1) Where the Minister is satisfied that compliance with any covenant, condition or provision of a special lease, scrub lease, inferior lands lease, snow lease, residential lease, improvement lease, settlement lease or lease under section eighteen or under section twenty-three of the Crown Lands Act (Amendment) Act, 1903, or lease under section seventy-three of the Crown Lands Consolidation Act, 1913, or Crown lease or conditional purchase lease, would tend to cause erosion on any land, he may so advise the Secretary for Lands.

Alteration of covenants, etc., of certain leases.

(2) Where the Secretary for Lands has been so advised he may vary, modify, revoke or add to the covenants, conditions or provisions of the lease under and in accordance with section one hundred and eighty-two of the Crown Lands Consolidation Act, 1913.

**28.** (1) Any person who contravenes or fails to comply with any provision of this Act shall, where no other penalty is expressly provided, be liable to a penalty not exceeding *ten* pounds.

Penalties.

(2) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary or police magistrate or any two or more justices in petty sessions.

**29.** Any information, complaint or other legal proceeding under this Act or the regulations may be laid, made and taken by the Minister or by any officer duly authorised by the Minister in that behalf either generally or in any particular case.

Information.

Protection  
of the  
Crown and  
its officers.  
cf. Act No.  
34, 1927,  
s. 22.

**30.** No action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever, against His Majesty or the Minister or the Director or any officer, employee or person acting in the execution of this Act for or in respect of damage or loss or injury sustained or alleged to be sustained by reason of the passing of this Act, or of its operation, or of anything done or purporting to be done thereunder. **5**

Catchment  
Areas  
Protection  
Board.

**31.** (1) There shall be a Catchment Areas Protection Board which shall consist of— **10**

- (a) the Minister, who shall be chairman of the Board;
- (b) the Director, who shall be the deputy chairman of the Board;
- (c) the person for the time being holding the office of Under Secretary, Department of Lands or an officer of the Department of Lands nominated by him; **15**
- (d) the person for the time being holding the office of Under Secretary, Department of Agriculture, or an officer of that department nominated by him; **20**
- (e) the person for the time being holding the office of Under Secretary, Department of Works and Local Government or an officer of that department nominated by him; **25**
- (f) the person for the time being constituting the Forestry Commission of New South Wales, or an officer of that Commission nominated by him;
- (g) a Commissioner or an officer of the Water Conservation and Irrigation Commission nominated by that Commission. **30**

(2) All meetings of the Board shall be called by direction of the chairman.

(3) At any meeting of the Board the chairman or deputy chairman and any three other members shall form a quorum. **35**

(4) The chairman shall preside at any meeting of the Board at which he is present. In the absence of the chairman the deputy chairman shall preside.

(5)

(5) The chairman, or the deputy chairman (when presiding at any meeting) shall have an original vote on any question before the Board, and in the case of an equality of votes shall have a second or casting vote.

5 (6) The Board shall exercise such functions as are conferred upon it by this or any other Act or as may be prescribed.

PART VI.

REGULATIONS.

10 **32.** (1) The Governor may, on the joint recommenda-  
tion of the Minister and the Secretary for Lands, make  
regulations regulating or prohibiting the destruction of  
or interference with timber or scrub on any lands held  
under any form of lease or license under any Act relating  
15 to the disposition of lands of the Crown.

Regulations  
relating to  
destruction  
of timber,  
etc.

(2) A regulation made under this section may be made to apply—

- (a) (i) to all land held under any such lease or license; or  
20 (ii) to land in any specified locality held under any such lease or license or held under any specified class of such lease or license; or  
(iii) to all land held under any such lease or license other than land in any specified  
25 locality held under any such lease or license or held under any specified class of such lease or license;
- (b) (i) generally to all timber or scrub; or  
(ii) particularly to any specified class of timber or scrub; or  
30 (iii) to all timber or scrub other than any specified class of timber or scrub.

(3)

(3) Any regulation made under this section may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister or by the Director.

Regulations. **33.** (1) The Governor may, subject to section thirty-two of this Act, make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. **5**  
**10**

(2) (a) Without prejudice to the generality of the power conferred by subsection one of this section the Governor may make regulations prohibiting the lighting of fires in any area of erosion hazard notified under this Act or in any catchment area notified or constituted under this Act except under such circumstances and subject to such limitations, conditions and restrictions as may be prescribed. **15**

(b) Any regulation made under this subsection may be made to apply to all such areas of erosion hazard and catchment areas or to any specified area of erosion hazard or catchment area or to any specified part of any specified area of erosion hazard or catchment area. **20**

(3) Any regulation made under this section may authorise any matter or thing to be from time to time determined, applied or regulated by the Minister or by the Director. **25**

Penalty for breach of regulations. **34.** Any regulation made under this Act may impose a penalty not exceeding *fifty* pounds for any breach thereof.

Publication of regulations. **35.** All regulations made under this Act shall— **30**  
(a) be published in the Gazette;  
(b) take effect from the date of publication or from a later date to be specified in the regulations;  
(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session. **35**

If

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART VII.

AMENDMENT OF VARIOUS ACTS.

36. (1) The Crown Lands Consolidation Act, 1913, is amended— Amendment of Act No. 7, 1913.

10 (a) by inserting in section five immediately before the definition of "City town or village" the following new definition:— Sec. 5. (Definitions.)

"Catchment Areas Protection Board" means the Catchment Areas Protection Board constituted under the Soil Conservation Act, 1937.

15 (b) by omitting from section thirty the words— Sec. 30. (Reserves from sale.)  
 20 "A reserve from sale for the purpose of a catchment area shall not be revoked or modified except with the concurrence of the board constituted under section 34A of this Act."

(c) by omitting section 34A and the short heading thereto; Sec. 34A. (Catchment areas board.)

25 (d) by omitting section 83A and the short heading thereto and by inserting in lieu thereof the following short heading and section:—

*Leases and licenses of land within areas of erosion hazard or catchment areas.*

30 83A. Notwithstanding anything to the contrary in any Act, land within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act, shall not be let under any **form** Leases and licenses of land within areas of erosion hazard or catchment areas.

form of lease or license, nor shall the term of any lease (other than a conditional lease) of such land be extended except upon the recommendation of and subject to such special conditions as may be recommended by the Catchment Areas Protection Board. 5

Sec. 85.  
(Classifica-  
tion of  
Crown  
lands.)

- (e) (i) by omitting from subsection four of section eighty-five the words "or any reserve from sale for the purpose of a catchment area";
- (ii) by omitting from the same subsection the words "or in the case of a reserve from sale for the purpose of a catchment area the revocation has been recommended by the board constituted under section 34A of this Act"; 10 15

Substituted  
sec. 136J.

- (f) by omitting section 136J and the short heading thereto and by inserting in lieu thereof the following short heading and section:—

*Leases of land within areas of erosion hazard  
or catchment areas.* 20

Leases of  
land within  
areas of  
erosion  
hazard or  
catchment  
areas.

136J. Notwithstanding anything to the contrary in any Act, land within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act shall not be let under any form of lease, except upon the recommendation of and subject to such special conditions as may be recommended by the Catchment Areas Protection Board. 25

Sec. 139.  
(Subdi-  
vision of  
irrigation  
areas.)

- (g) (i) by omitting from subsection four of section one hundred and thirty-nine the words "or any reserve from sale for the purpose of a catchment area";
- (ii) by omitting from the same subsection the words "or in the case of a reserve from sale for the purpose of a catchment area the revocation has been recommended by the board constituted under section 34A of this Act"; 30 35

(h)

- (h) by omitting the proviso to subsection one of section 145B and by inserting in lieu thereof the following proviso:—

Sec. 145B.  
(Suspension  
of con-  
ditions.)

5 Provided that where the whole or any part of the land held under lease is within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act, the alteration, modification or cancellation of any condition of the lease shall not be made except upon the recommendation of and subject to any further conditions recommended by the Catchment Areas Protection Board.

- 10  
15 (i) by omitting section 147B and the short heading thereto and by inserting in lieu thereof the following short heading and section:—

Substituted  
sec. 147B.

*Lease of land within areas of erosion hazard or catchment areas.*

20 147B. Notwithstanding anything to the contrary in any Act, land within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act, shall not be let under any form of lease or added to any lease under the provisions of this Act, except upon the recommendation of and subject to such special conditions as may be recommended by the Catchment Areas Protection Board.

Leases of  
land within  
areas of  
erosion  
hazard or  
catchment  
areas.

- 25  
30 (j) (i) by omitting from section one hundred and sixty-four the words "Land reserved from sale for the purpose of a catchment area" and by inserting in lieu thereof the words "Land within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act";

Sec. 164.  
(Additions  
to lease or  
license.)

- 35  
40 (ii) by omitting from the same section the words "board constituted under section 34A of this Act" and by inserting in lieu thereof the words "Catchment Areas Protection Board";

(k)

Sec. 182.  
(Alteration  
of condi-  
tions of  
lease.)

- (k) (i) by omitting from section one hundred and eighty-two the words "reserved from sale for the purpose of a catchment area" and by inserting in lieu thereof the words "within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act"; 5
- (ii) by omitting from the same section the words "board constituted under section 34A of this Act" and by inserting in lieu thereof the words "Catchment Areas Protection Board"; 10

Sec. 190.  
(Conversion  
of special  
lease.)

- (l) by inserting at the end of subsection two of section one hundred and ninety the following word and new paragraph:— 15

and

- (d) a conversion shall not be allowed of land within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act except with the approval of the Catchment Areas Protection Board. 20

Substituted  
sec. 198B.

- (m) by omitting section 198A and the short heading thereto and by inserting in lieu thereof the following short heading and section: 25

*Exchanges affecting land within areas of erosion hazard or catchment areas.*

Exchanges  
affecting  
land within  
areas of  
erosion  
hazard or  
catchment  
areas.

198A. Notwithstanding anything to the contrary in any Act, Crown lands within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act shall not be disposed of in exchange for land surrendered or acquired in pursuance of the provisions of this Division, and lands surrendered to the Crown under this Division which are within any such area of erosion hazard or catchment area shall not 30 35

not be added to any lease or license or conditional purchase or homestead selection, except upon the recommendation of and subject to such special conditions as may be recommended by the Catchment Areas Protection Board.

- 5 (n) (i) by omitting from section 229B the words "reserved from sale for the purpose of a catchment area" and by inserting in lieu thereof the words "within an area of erosion hazard notified under the Soil Conservation Act, 1937, or within a catchment area notified or constituted under that Act";
- 10 (ii) by omitting from the same section the words "board constituted under section 34A of this Act" and by inserting in lieu thereof the words "Catchment Areas Protection Board."

Sec. 229B.  
(Extension of terms of certain leases.)

(2) The Closer Settlement Act, 1904, as amended by subsequent Acts, is amended by omitting the proviso to section thirty-nine.

Amendment of Act No. 37, 1904.  
Sec. 39.  
(Permit to occupy.)

(3) The Closer Settlement (Amendment) Act, 1909, as amended by subsequent Acts, is amended—

- 25 (a) by omitting from subsection one of section twenty-one the words "Provided that where the land is reserved from sale for the purpose of a catchment area it shall not be so set apart except with the recommendation of the board constituted under section 34A of the Crown Lands Consolidation Act, 1913";
- 30 (b) by omitting from subsection six of the same section the words "Provided that land reserved from sale for the purpose of a catchment area shall not be so leased or exchanged, except upon the recommendation of, and subject to such special conditions as may be recommended by the board constituted under section 34A of the Crown Lands Consolidation Act, 1913."

Amendment of Act No. 21, 1909.  
Sec. 21.  
(Setting apart for closer settlement.)

(4) The Closer Settlement (Amendment) Act, 1914, as amended by subsequent Acts, is amended by omitting from subsection one of section four the words "Provided

Amendment of Act No. 7, 1914.  
Sec. 4.  
(After auction sales.)

“Provided that land reserved from sale for the purpose of a catchment area shall not be so leased, except upon the recommendation of, and subject to, such special conditions as may be recommended by the board constituted under section 34A of the Crown Lands Consolidation Act, 1913.”

Amendment of Act No. 21, 1916.

Sec. 4.  
(Special provision for settlement of discharged soldiers.)

(5) The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is amended by omitting subsection (1A) of section four.

Amendment of Act No. 55, 1916.

Sec. 25B.  
(Catchment reserves.)

(6) The Forestry Act, 1916-1935, is amended by 10 omitting section 25B.

Amendment of Act No. 6, 1935.

Sec. 5.  
(Revision.)

(7) The Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935, is amended—

- (a) by omitting paragraphs (a) to (h) both inclusive 15 and paragraph (k) of subsection one of section five;
- (b) by omitting subsections two to five both inclusive of the same section.

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## SCHEDULES.

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### FIRST SCHEDULE.

#### FIRST PART.

Burrinjuck Dam.

#### SECOND PART.

*Catchment area in connection with Burrinjuck Dam.*

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That part of the State of New South Wales forming that portion of the catchment area of the Murrumbidgee River and its tributaries which drains into the Burrinjuck Storage Reservoir.

SCHEDULE

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SECOND SCHEDULE.

FIRST PART.

Hume Reservoir.

SECOND PART.

5 *Catchment area in connection with Hume Reservoir.*

That part of the State of New South Wales forming that portion of the catchment area of the Indi and Murray Rivers and their tributaries which drains into the Hume Reservoir.

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THIRD SCHEDULE.

FIRST PART.

10 Wyangala Dam.

SECOND PART.

*Catchment area in connection with Wyangala Dam.*

15 That part of the State of New South Wales forming the catchment areas of the Abercrombie and Crookwell Rivers and their tributaries, together with that portion of the catchment area of the Lachlan River and its tributaries which drains into the Wyangala Dam Storage Reservoir.

