

SOIL CONSERVATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Farm Water Supplies (Transfer of Functions) Amendment Bill 1986.

The object of this Bill is to amend the Soil Conservation Act 1938—

- (a) to transfer to the Minister administering that Act the functions currently conferred on the Water Resources Commission under the Farm Water Supplies Act 1946 in relation to the making of loans for, and the carrying out of, farm water supply work for domestic or stock purposes not involving a bore;
- (b) to empower the Commissioner of the Soil Conservation Service (“the Commissioner”) to exercise in relation to that water supply work and in relation to the conservation of certain farm water resources the functions currently conferred on the Commissioner in relation to soil conservation; and
- (c) to effect other related amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act, with minor exceptions, on 1 July 1986.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) amends the long title of the Principal Act so that it reflects the expanded functions of the Commissioner.

Schedule 1 (2) omits a formal provision dealing with the arrangement of the Act.

Schedule 1 (3) (a) inserts a definition of "farming lands" into the Principal Act, being lands used for a variety of agricultural and related purposes.

Schedule 1 (3) (b) expands the definition of "works" for the purposes of the Principal Act to include works necessary for the conservation of certain farm water resources or the provision or improvement of the water supply to farming lands for domestic or stock purposes not including the construction or improvement of a bore. The principal effect of the amendment is to empower the Minister and the Commissioner (with the authority of the Minister) to carry out those works and enables loans to be made to farmers to enable them to carry out those works. The amendment is in part consequential on the amendments proposed to be effected by the Farm Water Supplies (Transfer of Functions) Amendment Bill 1986 to the Farm Water Supplies Act 1946 whereby loans for the purpose of domestic or stock farm water supply improvement (except the construction or improvement of a bore) will no longer be made, and works for that purpose will no longer be carried out, under that Act.

Schedule 1 (3) (c) provides for the interpretation of references in the Principal Act to the conservation of water resources so that the references extend only to water resources which are on farm land, are not primarily concerned with irrigation and are not concerned with sub-surface water.

Schedule 1 (4) (a) and (b) empower the Commissioner to exercise in relation to farm water supply work not involving irrigation or bores, and in relation to the conservation of water resources, the functions which the Commissioner is currently empowered to exercise in relation to the conservation of soil resources and the mitigation of soil erosion and land degradation.

Schedule 1 (4) (c) and (d) extend the functions of the Commissioner to include the estimation of the costs of works and the supervision of the carrying out of works.

Schedule 1 (4) (e), (8) and (9) are consequential on Schedule 1 (3) (b).

Schedule 1 (5) includes water resources conservation in the range of matters for which the Commissioner is empowered to conduct experimental and research work.

Schedule 1 (6) empowers the Minister to direct the Commissioner to carry out special investigations into water resources conservation matters.

Schedule 1 (7) includes water resources conservation among the matters in respect of which the Commissioner is authorised or required to prepare a scheme of operations for the purposes of a project under the Principal Act.

Schedule 1 (10) expands the functions of catchment committees under the Principal Act so that those functions may be exercised in relation to conservation of water resources.

Schedule 1 (11) extends to works for water conservation the power of the Governor to vest works in a statutory corporation for care, control and management by that corporation.

SOIL CONSERVATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



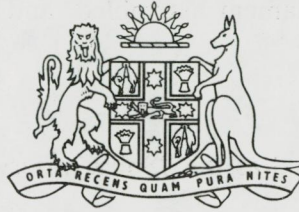
TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 10, 1938

SCHEDULE 1—AMENDMENTS TO THE SOIL CONSERVATION ACT 1938

SOIL CONSERVATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Soil Conservation Act 1938 to make provision for the conservation of water resources on farming lands.

Soil Conservation (Amendment) 1986

BE it enacted by the Queen'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 the same, as follows:

5 **Short title**

1. This Act may be cited as the "Soil Conservation (Amendment) Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on 1 July 1986.

Amendment of Act No. 10, 1938

3. The Soil Conservation Act 1938 is amended in the manner set forth
15 in Schedule 1.

 SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE SOIL CONSERVATION ACT 1938

(1) Long title—

20 After "resources", insert "and farm water resources".

(2) Section 2 (**Division into Parts**)—

Omit the section.

(3) Section 3 (**Interpretation**)—

(a) Definition of "Farming lands"—

*Soil Conservation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE SOIL CONSERVATION ACT 1938—
continued

Before the definition of “Local land board”, insert:

“Farming lands” means—

- 5 (a) lands used for farming, agricultural, horticultural, viticultural, vegetable-growing, market gardening, pastoral, grazing, poultry farming, silvicultural, floricultural or piscicultural purposes; and
- (b) any other lands declared by the regulations to be farming lands for the purposes of this Act.

(b) Definition of “Works”—

10 Omit the definition, insert instead:

“Works”, other than in Part IV, means—

- (a) works necessary for the conservation of soil or the mitigation of erosion and any operations incidental thereto; or
- 15 (b) works necessary for the conservation of water resources or the provision or improvement of the water supply to farming lands for domestic or stock purposes, and any operations incidental thereto, not being the construction or improvement of a bore
- 20 (within the meaning of the Farm Water Supplies Act 1946).

(c) Section 3 (2)—

At the end of section 3, insert:

- 25 (2) In this Act, a reference to the conservation of water resources is a reference to the conservation of water resources on farming lands, not being water resources concerned primarily with irrigation and not being sub-surface water resources.

(4) Section 4C (**Powers, authorities, duties and functions of Commissioner**)—

(a) Section 4C—

- 30 Omit “State, and”, insert instead “State,”.

Soil Conservation (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE SOIL CONSERVATION ACT 1938—
continued

(b) Section 4C—

After “degradation”, insert “and the conservation of water resources”.

(c) Section 4C (k)—

5 After “for”, insert “and the estimation of the costs of”.

(d) Section 4C (k1)—

After section 4C (k), insert:

(k1) the supervision of the carrying out of any works;

(e) Section 4C (o)—

10 After “assistance”, insert “in connection with any works and”.

(5) Section 6 (**Experimental and research work**)—

(a) Section 6 (1)—

After “soil resources”, insert “and water resources”.

(b) Section 6 (1)—

15 After “mitigation”, insert “, in connection with the conservation of water resources”.

(6) Section 7 (**Power of Minister to direct special investigations**)—

After “erosion”, insert “or conservation of water resources”.

(7) Section 10 (**Projects**)—

20 Section 10 (1), (2)—

After “mitigation” wherever occurring, insert “, for the purpose of the conservation of water resources”.

(8) Part IVA, heading—

Omit the heading, insert instead:

*Soil Conservation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE SOIL CONSERVATION ACT 1938—
continued

PART IVA

ADVANCES FOR WORKS OF SOIL CONSERVATION,
EROSION MITIGATION AND FARM WATER SUPPLY
AND CONSERVATION5 (9) Section 22E (**Conditions precedent to advances**)—

Section 22E (b)—

Omit the paragraph, insert instead:

- 10 (b) that the carrying out of the works on those lands is necessary to ensure the conservation of the soil of those lands, the mitigation of erosion on those lands or the conservation of water resources on those lands.

(10) Section 23C (**Functions of catchment committee**)—

(a) Section 23C (1) (a)—

After “conservation”, insert “or water resources conservation”.

15 (b) Section 23C (1) (b)—

After “conservation”, insert “, water resources conservation”.

(c) Section 23C (1) (c)—

After “siltation”, insert “, water resources conservation”.

(d) Section 23C (1) (d) (iii)—

20 After “conservation”, insert “or water resources conservation”.

(e) Section 23C (1) (e)—

After “conservation,”, insert “water resources conservation,”.

(11) Section 26 (**Vesting of works in statutory body**)—

Section 26 (1)—

25 Omit “or erosion mitigation”, insert instead “, erosion mitigation or water resources conservation,”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986







SOIL CONSERVATION (AMENDMENT) BILL

*Schedule of the amendment referred to in Legislative Assembly's
Message of 25 September 1986*

No. 1—Page 2, clause 2, lines 8–12. Omit the clause.

AMENDMENT TO THE CONSTITUTION

Section 1. The words "and" and "or" in the Constitution shall be construed to mean "and" and "or" respectively.

Section 2. The words "and" and "or" in the Constitution shall be construed to mean "and" and "or" respectively.

SOIL CONSERVATION (AMENDMENT) ACT 1986
No. 105

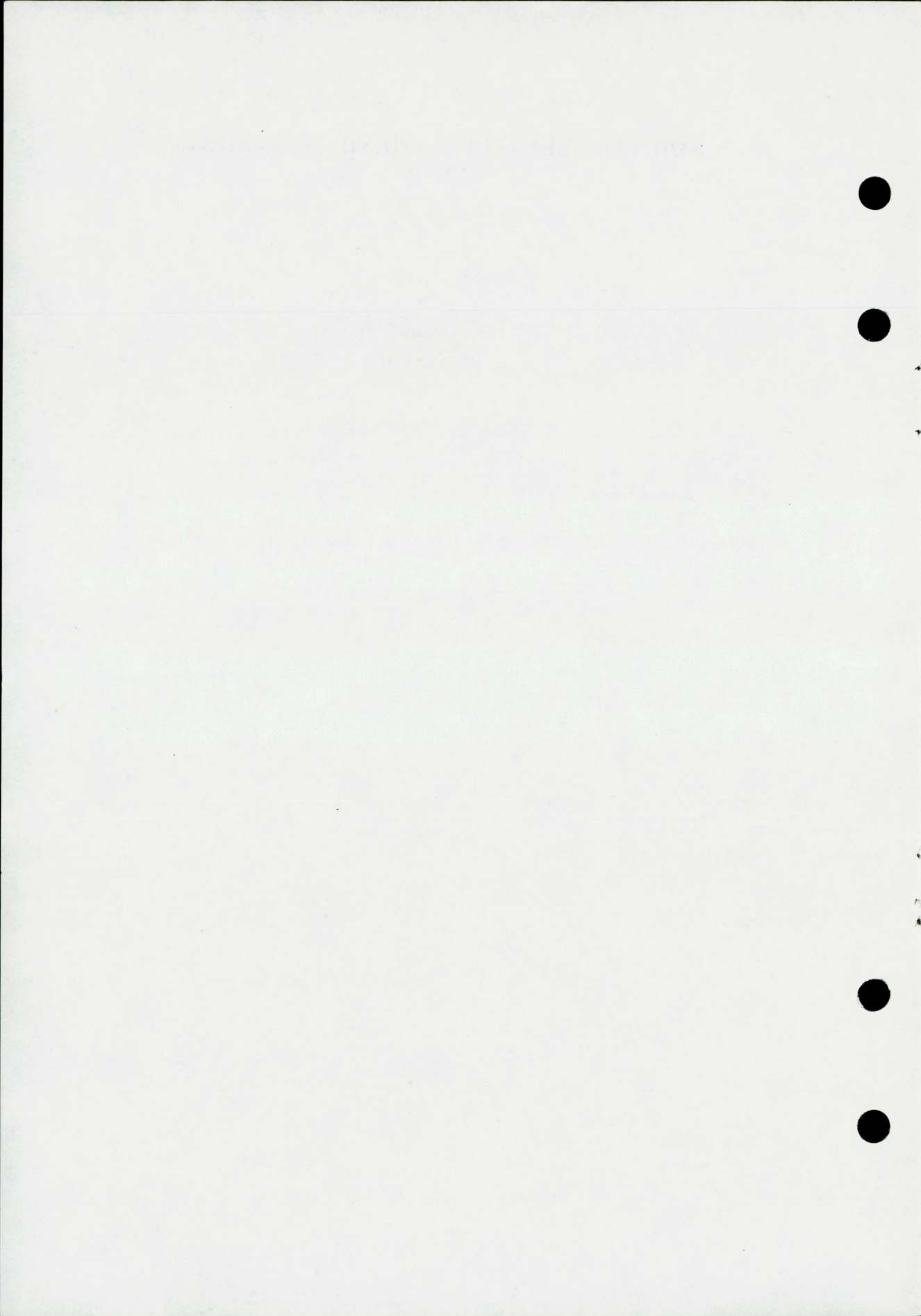
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 10, 1938

SCHEDULE 1—AMENDMENTS TO THE SOIL CONSERVATION ACT 1938



SOIL CONSERVATION (AMENDMENT) ACT 1986 No. 105

NEW SOUTH WALES



Act No. 105, 1986

An Act to amend the Soil Conservation Act 1938 to make provision for the conservation of water resources on farming lands. [Assented to 26 November 1986]

Soil Conservation (Amendment) 1986

BE it enacted by the Queen'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 the same, as follows:

Short title

1. This Act may be cited as the "Soil Conservation (Amendment) Act 1986".

Amendment of Act No. 10, 1938

2. The Soil Conservation Act 1938 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE SOIL CONSERVATION ACT 1938

(1) Long title—

After "resources", insert "and farm water resources".

(2) Section 2 (**Division into Parts**)—

Omit the section.

(3) Section 3 (**Interpretation**)—

(a) Definition of "Farming lands"—

Before the definition of "Local land board", insert:

"Farming lands" means—

(a) lands used for farming, agricultural, horticultural, viticultural, vegetable-growing, market gardening, pastoral, grazing, poultry farming, silvicultural, floricultural or piscicultural purposes; and

(b) any other lands declared by the regulations to be farming lands for the purposes of this Act.

(b) Definition of "Works"—

*Soil Conservation (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE SOIL CONSERVATION ACT 1938—
continued

Omit the definition, insert instead:

“Works”, other than in Part IV, means—

- (a) works necessary for the conservation of soil or the mitigation of erosion and any operations incidental thereto; or
- (b) works necessary for the conservation of water resources or the provision or improvement of the water supply to farming lands for domestic or stock purposes, and any operations incidental thereto, not being the construction or improvement of a bore (within the meaning of the Farm Water Supplies Act 1946).

(c) Section 3 (2)—

At the end of section 3, insert:

(2) In this Act, a reference to the conservation of water resources is a reference to the conservation of water resources on farming lands, not being water resources concerned primarily with irrigation and not being sub-surface water resources.

(4) Section 4C (**Powers, authorities, duties and functions of Commissioner**)—

(a) Section 4C—

Omit “State, and”, insert instead “State,”.

(b) Section 4C—

After “degradation”, insert “and the conservation of water resources”.

(c) Section 4C (k)—

After “for”, insert “and the estimation of the costs of”.

(d) Section 4C (k1)—

After section 4C (k), insert:

(k1) the supervision of the carrying out of any works;

Soil Conservation (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE SOIL CONSERVATION ACT 1938—
continued

- (e) Section 4c (o)—
After “assistance”, insert “in connection with any works and”.
- (5) Section 6 (**Experimental and research work**)—
- (a) Section 6 (1)—
After “soil resources”, insert “and water resources”.
- (b) Section 6 (1)—
After “mitigation”, insert “, in connection with the conservation of water resources”.
- (6) Section 7 (**Power of Minister to direct special investigations**)—
After “erosion”, insert “or conservation of water resources”.
- (7) Section 10 (**Projects**)—
Section 10 (1), (2)—
After “mitigation” wherever occurring, insert “, for the purpose of the conservation of water resources”.
- (8) Part IVA, heading—
Omit the heading, insert instead:

PART IVA

ADVANCES FOR WORKS OF SOIL CONSERVATION,
EROSION MITIGATION AND FARM WATER SUPPLY
AND CONSERVATION

- (9) Section 22E (**Conditions precedent to advances**)—
Section 22E (b)—
Omit the paragraph, insert instead:
- (b) that the carrying out of the works on those lands is necessary to ensure the conservation of the soil of those lands, the mitigation of erosion on those lands or the conservation of water resources on those lands.

Soil Conservation (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE SOIL CONSERVATION ACT 1938—
continued

- (10) Section 23C (**Functions of catchment committee**)—
- (a) Section 23C (1) (a)—
After “conservation”, insert “or water resources conservation”.
 - (b) Section 23C (1) (b)—
After “conservation”, insert “, water resources conservation”.
 - (c) Section 23C (1) (c)—
After “siltation”, insert “, water resources conservation”.
 - (d) Section 23C (1) (d) (iii)—
After “conservation”, insert “or water resources conservation”.
 - (e) Section 23C (1) (e)—
After “conservation,”, insert “water resources conservation,”.
- (11) Section 26 (**Vesting of works in statutory body**)—
- Section 26 (1)—
- Omit “or erosion mitigation”, insert instead “, erosion mitigation or water resources conservation,”.

