

No. 4786.

An Act relating to Soil Conservation.

[9th December, 1940.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Soil Conservation Act* 1940. Short title.

2. In this Act unless inconsistent with the context or subject-matter— Interpretation.

“Crown lands” includes any lands vested in or controlled by any public authority. “Crown lands.”

“Proper officer” means officer of a Government department or public authority authorized by such department or authority in respect of any acts matters or things in connexion with which the expression is used. “Proper officer.”

“Public authority” means— “Public authority.”

(a) the Board of Land and Works ;

(b) the Forests Commission ;

(c) the State Rivers and Water Supply Commission ;

(d) the

- (d) the Melbourne and Metropolitan Board of Works ;
- (e) the Geelong Waterworks and Sewerage Trust ;
- (f) any waterworks trust or local governing body within the meaning of the Water Acts ;
- (g) any trust within the meaning of the Mildura Irrigation and Water Trusts Acts ;
- (h) any sewerage authority within the meaning of the Sewerage Districts Acts ;
- (i) any municipality (including the city of Melbourne and the city of Geelong) ;
- (j) the State Electricity Commission of Victoria ;
- (k) The Victorian Railways Commissioners ;
- (l) the Country Roads Board ;
- (m) the Council of Agricultural Education ;
- (n) the trustees appointed under the *Agricultural Colleges Act 1928* ; and
- (o) any body declared by Order of the Governor in Council published in the *Government Gazette* to be a public authority for the purposes of this Act.

“ Regulations.”

“ Regulations ” means regulations made by the Governor in Council under this Act.

Administration of Act.

3. (1) The Minister administering this Act shall be the Premier of Victoria.

(2) The expenses of the administration of this Act (including any grants made thereunder) shall be paid out of moneys provided by Parliament for the purpose.

Constitution of the Soil Conservation Board.

4. (1) There shall be a board to be known as the “ Soil Conservation Board ” consisting of seven members appointed by the Governor in Council.

(2) Of such members—

(a) one shall be appointed as chairman and shall not during his continuance in office be engaged without the sanction of the Governor in Council in any employment other than that in connexion with the duties of his office as such ;

(b) five shall be professional officers of the Department of Agriculture the Department of Crown Lands and Survey the Water Supply Department the

State

State Forests Department and the Mines Department respectively each of whom has a general or special knowledge of soil conservation problems ; and

(c) one shall be appointed as representing pastoral interests.

(3) Subject to this Act each member of the Board shall hold office for the term (not exceeding three years) specified in the instrument of his appointment and shall if qualified be eligible for re-appointment.

(4) The Governor in Council may remove any member of the Board from office.

(5) In the case of a vacancy however arising in the office of member of the Board the Governor in Council may appoint some qualified person to fill such vacancy and the person so appointed shall subject to this Act hold office for the remainder of the term of office of the person in whose place he is appointed.

(6) (a) Meetings of the Board shall be held at such times and places as the chairman from time to time appoints:

Provided that a meeting shall be called by the chairman at the request of three members of the Board.

(b) At any meeting of the Board four shall be a quorum.

(c) Subject to this Act and the regulations the Board may regulate its own proceedings.

5. (1) If immediately prior to the appointment of any person to the office of chairman such person is an officer of the public service such person shall be eligible on the recommendation of the Public Service Board to be re-appointed at the termination of his office as chairman to some office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately prior to his appointment as chairman.

*Saving of rights of chairman if a member of the Public Service or an officer within the meaning of Nos. 3782 &c. at time of appointment.*

(2) If immediately prior to the appointment of any person to the office of chairman such person is an officer within the meaning of the Superannuation Acts he shall subject to the Superannuation Acts continue during his term of office as chairman to be an officer within the meaning of those Acts.

6. (1) The

Remuneration  
of members.

6. (1) The chairman of the Board shall receive such annual salary as is determined by the Governor in Council prior to his appointment.

(2) The other members of the Board shall severally be entitled to receive such remuneration (if any) by way of fees or salaries as is determined by the Governor in Council prior to their appointment.

(3) The members of the Board shall severally be entitled to receive such reasonable travelling expenses as are fixed by the Governor in Council.

Secretary.  
Nos. 3757 &c.

7. (1) Subject to the Public Service Acts the Governor in Council may appoint a secretary to the Board who shall be appointed and removed in accordance with the provisions of the said Acts.

(2) Such other officers as are deemed necessary to be employed in the administration of this Act shall be officers of the public service.

General  
objects  
for which  
Board is  
constituted.

8. (1) The general objects for which the Board is constituted are—

- (a) the prevention and mitigation of soil erosion ;
- (b) the promotion of soil conservation ;
- (c) the utilization of lands in such a manner as will tend towards the attainment of the objects aforesaid.

Functions of  
Board.

(2) Until other provision is hereafter made by Parliament the functions of the Board shall be—

- (a) the carrying out of surveys and investigations to ascertain the nature and extent of soil erosion throughout the State ;
- (b) the investigation and design of preventive and remedial measures in respect of soil erosion ;
- (c) the carrying out of experiments and demonstrations in soil conservation and reclamation ;
- (d) the recording and publishing of the results of such surveys investigations designs experiments and demonstrations ;
- (e) the dissemination of information with regard to soil erosion and soil conservation and reclamation ;

(f) the

- (f) the instruction and supervision of landholders in matters pertaining to soil conservation and reclamation ;
  - (g) the assistance of landholders whose land has been affected by soil erosion ; and
  - (h) the co-ordination, having regard to the purposes of this Act, of the policies and activities of Government departments and public authorities with regard to the alienation occupation and utilization of Crown lands.
- (3) With the approval of the Minister the Board may—
- (a) by agreement with the appropriate authorities bodies or owners conduct experiments and demonstrations pertaining to soil conservation and reclamation on any lands ;
  - (b) employ such workmen and other persons as may be required from time to time for the conduct of such experiments and demonstrations ;
  - (c) make grants of moneys to any authority body or person for the carrying out of specific projects in furtherance of the objects of the Board.

Special powers of Board.

9. (1) So far as practicable the Board shall carry out its functions through the Government departments represented on the Board and the Board shall endeavour to co-ordinate the services available in Government departments and public authorities for the carrying out of works relating to soil conservation or reclamation and the prevention or mitigation of soil erosion.

Co-ordination of work of Government departments in respect of soil erosion soil conservation and reclamation.

(2) Every Government department represented on the Board and every public authority is hereby authorized—

- (a) upon receipt of a request in writing from the Board to carry out or take part in any survey experiment or demonstration and to do all such acts and things as are directed or otherwise by or under this Act in all respects ; and
- (b) generally to co-operate with the Board in order to carry out the purposes of this Act.

(3) (a) The Board may by writing addressed to the proper officer advise any Government department or public authority as to the alienation disposal occupation care or use of any Crown lands in any case where the Board thinks that the matter of soil erosion or conservation is relevant in respect of such alienation disposal occupation care or use.

(b) Copies

(b) Copies of any such advice shall be forwarded to the proper officer of each Government department represented on the Board and may be published by the Board.

(c) Where any Government departments represented on the Board cannot reach agreement as to the appropriate use having regard to questions of soil erosion or conservation of any Crown land, the matter shall be referred to the Board for investigation and report.

(d) Every Government department represented on the Board shall upon a request by the Board in writing addressed to the proper officer make available to the Board any records of measures or operations for the prevention or mitigation of soil erosion or any reports as to soil erosion soil conservation or the utilization of land whether undertaken made or received before or after the commencement of this Act.

Annual reports by Board.

10. (1) As soon as may be after the thirtieth day of June in each year the Board shall cause to be prepared a report—

(a) setting forth the activities of the Board and the results thereof during the period of twelve months ended on such day ;

(b) containing estimates for the financial year then ensuing of the work proposed to be undertaken by or under the supervision of the Board and of the moneys likely to be required for carrying into effect the purposes of this Act.

Special report within two years after commencement of Act.

(2) Within two years after the commencement of this Act the Board shall cause to be prepared and submitted to the Minister a special report setting forth detailed proposals with respect to any further legislation which it recommends should be enacted in order that the objects for which the Board is constituted may be more fully carried into effect.

(3) Every such report shall be laid before both Houses of Parliament.

Power to Board as to inquiries.

11. For the purposes of this Act the Board shall have and may exercise in respect of the summoning and examining of witnesses and requiring any witness to produce any relevant books or documents in his custody possession or control the same powers as are by the *Evidence Act 1928* conferred

conferred on a Board appointed by the Governor in Council and the provisions of sections fourteen to sixteen of the said Act with such adaptations as are necessary shall apply :

Provided that every summons shall be signed by the secretary to the Board.

12. (1) Any member of the Board or any person authorized by the Board in that behalf may for the purposes of any survey or investigation under this Act enter upon any lands at any reasonable hour.

Power to members of Board and persons authorized by Board to enter upon land for purposes of surveys and investigations.

(2) Every person who obstructs hinders impedes resists or opposes any member or person so authorized who enters upon any land for such purpose shall be liable to a penalty of not more than Twenty pounds.

13. The Board may, whenever it deems it necessary or expedient, invite any member of a regional advisory committee appointed under this Act or any officer in any Government department or any person having a knowledge of the problems of soil erosion or conservation to attend at any meeting of the Board and take part in any discussion on any particular matter before the Board.

Power to Board to co-opt certain persons.

14. (1) The Governor in Council on the recommendation of the Board may from time to time appoint regional advisory committees for the purposes of this Act.

Regional advisory committees.

(2) Every such committee shall consist of the chairman of the Board a representative of the Department of Crown Lands and Survey a representative of the Department of Agriculture and three persons appointed as representing grazing agricultural or other relevant interests in the region or district for which such committee is appointed.

(3) The functions of every regional advisory committee shall include—

- (a) the consideration of and reporting upon methods of land utilization within its district ;
- (b) the consideration of and reporting upon any matters relating to land utilization or soil erosion or conservation referred to it by the Board ; and
- (c) the carrying out of such functions of an advisory nature relating to soil erosion or conservation as are prescribed by the regulations.

(4) The

(4) The members (other than the chairman) of every such regional advisory committee shall severally be entitled to receive—

- (a) such remuneration (if any) by way of fees or salaries as is determined by the Governor in Council prior to their appointment; and
- (b) such reasonable travelling expenses as are fixed by the Governor in Council.

Regulations.

15. (1) The Governor in Council may make regulations for or with respect to any matters or things which are by this Act authorized or permitted to be prescribed or which are necessary or expedient to be prescribed in order to carry the purposes of this Act into effect.

Publication  
of regulations.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament and a copy of all such regulations shall be posted to each member of Parliament.