

# AUSTRALIAN CAPITAL TERRITORY.

No. 2 of 1947.

## AN ORDINANCE

Relating to the Mitigation of Erosion and the Conservation of Soil Resources and for the purposes connected therewith.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

### PART I.—PRELIMINARY:

1. This Ordinance may be cited as the *Conservation of Soil Ordinance 1947*.\* Short title.

2. This Ordinance is divided into Parts, as follows:— Parts.

Part I.—Preliminary.

Part II.—The Soil Conservation Service.

Part III.—The Functions of the Council of the Soil Conservation Service.

Part IV.—General.

3. In this Ordinance, unless the contrary intention appears— Definitions.

“area of erosion hazard” means land in which in the opinion of the Council soil erosion has reached a stage dangerous to the ordinary use or fertility of the land;

“Commonwealth land” means land vested in the Commonwealth which is not the subject of any lease or licence under any law authorizing the occupation or use of land vested in the Commonwealth;

“Director” means the Director of the Council and includes an acting Director;

“land” means land other than Commonwealth land, ordinarily used for pastoral, dairying, agricultural, orchard or market gardening purposes;

“land reclamation” means the treatment of eroded or waste land so as to create or re-create a capacity for ordinary use for pastoral, dairying, agricultural, orchard or market gardening purposes;

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\* Notified in the *Commonwealth Gazette* on 29th May, 1947.

“occupier” means the person for the time being entitled to the possession of any land, or any person in authorized possession of any large stock or sheep agisting by arrangement with the Commonwealth on Commonwealth land, and, where the occupier does not reside on the land, includes a person in charge of land as manager, agent or superintendent;

“owner” means, in relation to land—

- (a) the holder of any lease of or licence in respect of land from the Crown;
- (b) the holder of land under any purchase, whether conditional or otherwise, from the Crown or under a homestead selection or homestead grant;
- (c) the person entitled at law to an estate of freehold in possession in any land granted by the Crown for other than public purposes;
- (d) the person in whom is vested any land taken or appropriated under authority of any statute authorizing land to be taken or appropriated for the purpose of any private undertaking; and in relation to stock—
- (e) the owner of the stock, includes the person being the representative, manager, agent, drover or superintendent of or for the owner and having the custody or control of the stock;

“this Ordinance” includes regulations made thereunder.

## PART II.—THE SOIL CONSERVATION SERVICE.

Constitution of  
the Soil  
Conservation  
Service.

4.—(1.) For the purposes of this Ordinance there shall be a Soil Conservation Service consisting of a Council, a Secretary and such other officers and employees as are necessary for the purposes of this Ordinance.

(2.) The Council shall consist of five members and shall include—

- (a) a person with such experience in land and stock administration as the Minister approves;
- (b) a graduate in Agriculture or a holder of a diploma in Agriculture of a recognized Agricultural College;
- (c) a graduate in Forestry or a holder of a diploma in Forestry of a recognized School of Forestry;
- (d) a licensed or authorized surveyor; and
- (e) a graduate in Civil Engineering,

at least four of whom shall be members of the Public Service of the Commonwealth.

(3.) The members of the Council shall be appointed by the Minister, who shall appoint one member to be the Director, and one member to be the Deputy Director, of the Council.

(4.) The Council shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued in its corporate name.

(5.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Council affixed to any document or notice and shall presume that it was duly affixed.

(6.) The Council shall, subject to the control of the Minister, administer this Ordinance.

(7.) If any member of the Council dies or resigns, or is removed from office, the Minister may appoint a new member in his place.

(8.) The Council may co-opt any person to assist it in reaching its conclusions.

5.—(1.) Meetings of the Council shall be convened by the Director by notice in writing to each member of the Council specifying the time and place of meeting. Meetings of the Council.

(2.) At all meetings of the Council, the Director, if present, shall be Chairman and in his absence, the Deputy Director, if present, shall be Chairman.

(3.) In the absence from any meeting of the Council of both the Director and Deputy Director, the members present shall elect one of their number to act as Chairman for that meeting.

(4.) The Council shall hold such meetings as the Director considers necessary for the efficient conduct of its affairs.

(5.) The Director shall, on requisition in writing signed by any two members of the Council, convene a meeting of the Council within seven days after receipt by him of the requisition.

(6.) A quorum at any meeting of the Council shall consist of a majority of the members holding office at the date of the meeting, and the person acting as Chairman shall have a deliberative vote, and, in the event of equality of voting, a second or casting vote.

### PART III.—FUNCTIONS OF THE COUNCIL OF THE SOIL CONSERVATION SERVICE.

6. The functions of the Council shall be—

- (a) the carrying out of surveys and investigations to ascertain the nature and extent of soil erosion throughout the Territory;
- (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 land reclamation;

Functions of the Council.

- (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 land reclamation;
- (f) the giving of instruction and advice to land occupiers or owners, schools and bodies in matters pertaining to soil conservation and land reclamation;
- (g) the giving of assistance to landowners whose land has been affected by soil erosion;
- (h) the reclamation of Commonwealth land which has been affected by soil erosion and the carrying out of soil conservation projects on land; and
- (j) the co-ordination, having regard to the objects of this Ordinance, of the policies and activities of Commonwealth Government Departments and Public Authorities with regard to the occupation and utilization of lands.

Special powers  
of the Council.

7. With the approval of the Minister the Council may—

- (a) by agreement with the appropriate authorities, bodies or owners conduct experiments and demonstrations pertaining to soil conservation and land reclamation on any land;
- (b) make grants or loans of moneys to any authority, body or person for the carrying out of specific projects in furtherance of the objects of this Ordinance;
- (c) carry out any work in connexion with soil conservation or erosion mitigation contemplated by this Ordinance;
- (d) carry out any work required or authorized to be done by an owner or occupier on any land under any agreement made pursuant to this Ordinance;
- (e) by notice in the *Gazette* declare any area of land to be an area of erosion hazard; and
- (f) thirty days after service of the notice specified in the last preceding paragraph on the occupiers or owners of the land specified in the notice, enter upon that land and, with or without the agreement of those occupiers or owners, carry out, or cause to be carried out such measures as will, in the opinion of the Council, minimize the erosion hazard to that land.

Power of entry.

8. The Director or any officer or employee of the Council may, in the exercise or performance of any power, authority, duty or function conferred or imposed upon him by or under this Ordinance, enter any land, and exercise that power or authority or perform that duty or function.

## PART IV.—GENERAL.

9. No act, matter or thing done by the Minister or the Director or by an officer, employee or person acting under the direction of the Minister or the Director shall, if the act, matter or thing was done *bona fide* for the purpose of carrying out or giving effect to this Ordinance, subject them or any of them personally to any suit, action, liability, claim or demand whatsoever.

Protection of  
Minister and  
Officers.

10.—(1.) In the exercise of its powers under this Ordinance, the Council may incur, on its own authority, out of the funds allocated to it, expenditure not exceeding One hundred pounds in any month.

Finance.

(2.) The Minister may authorize the Council to incur expenditure of a sum greater than One hundred pounds in any month.

11.—(1.) The Council shall—

(a) keep full and particular accounts of all moneys received and expended by it; and

Accounts to  
be kept.

(b) submit to the Minister, in the month of July in each year, a statement of receipts and expenditure and a report of the Council's activities during the preceding twelve months.

(2.) The annual report and statement of receipts and expenditure, accompanied by a certificate of the Auditor-General, shall be laid before each House of the Parliament within fifteen sitting days after its receipt by the Minister.

12. The accounts of the council shall be subject to inspection and audit by the Auditor-General for the Commonwealth.

Audit.

13. There shall be payable to any member of the Council, and to any person co-opted under section four of this Ordinance, such salary, fees or expenses as the Minister directs.

Salary, fees  
and expenses  
of members of  
Council.

14.—(1.) The Council may, with the approval of the Minister, appoint such officers and engage such employees as are necessary to enable the Council to carry out its functions under this Ordinance.

Officers and  
employees.

(2.) The salaries and conditions of employment of officers appointed in pursuance of the last preceding sub-section shall be such as are, subject to the approval of the Commonwealth Public Service Board, determined by the Council.

15. The Minister may make regulations not inconsistent with this Ordinance 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 Ordinance.

Regulations.

Dated this twenty-eighth day of May, 1947.

W. J. McKELL

Governor-General.

By His Excellency's Command,

NELSON LEMMON

for Minister of State for the Interior.