

**SOIL CONSERVATION (AMENDMENT) ACT, 1978,
No. 128**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 128, 1978.

An Act to amend the Soil Conservation Act, 1938, to make further provisions in relation to the notification and control of catchment areas, to provide for the appointment of an Assistant Commissioner of the Soil Conservation Service, to increase penalties and for certain other purposes. [Assented to, 21st December, 1978.]

See also Water (Soil Conservation) Amendment Act, 1978.

Soil Conservation (Amendment).

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 :—

1. This Act may be cited as the "Soil Conservation Short title.
(Amendment) Act, 1978".

2. The Soil Conservation Act, 1938, is referred to in this Act Principal
as the Principal Act. Act.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO CATCHMENT AREAS.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE APPOINTMENT OF AN ASSISTANT
COMMISSIONER OF THE SOIL CONSERVATION SERVICE.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO PENALTIES.

SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE
PRINCIPAL ACT.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY
WAY OF STATUTE LAW REVISION.

4. The Principal Act is amended in the manner set forth in Amendment
Schedules 1-5. of Act No.
10, 1938.

Soil Conservation (Amendment).

Sec. 4.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS.

(1) (a) Section 2—

From the matter relating to Part IV, omit "IN CONNECTION THEREWITH".

(b) Section 2—

In the matter relating to Division 3 of Part IV, after "*Works*", insert "*and Catchment Areas*".

(2) Part IV, heading—

Omit "IN CONNECTION THEREWITH".

(3) Section 19 (2)—

After "Any work", insert "or proposed work".

(4) Section 20 (1A)—

After section 20 (1), insert :—

(1A) Where the Minister is of the opinion that the stability of a river or lake is adversely affected or liable to be adversely affected by soil erosion or siltation, he may notify in the Gazette an area of land (not being an area of land that may be notified as a catchment area under subsection (1)) as the catchment area of the river or lake.

(5) (a) Section 21A (b)—

After "1916 ;", insert "or".

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

(b) Section 21A (c)—

Omit “1974 ;”, insert instead “1974.”.

(c) Section 21A (d), (e)—

Omit the paragraphs.

(6) (a) Section 21c (1)—

Omit the subsection, insert instead :—

(1) A person shall not—

(a) ringbark, cut down, fell, poison or otherwise destroy, or cause to be ringbarked, cut down, felled, poisoned or otherwise destroyed; or

(b) top, lop, remove or injure, or cause to be topped, lopped, removed or injured,

any tree on any protected land, except in accordance with an authority issued under section 21D in relation to the land.

(b) Section 21c (2) (b)—

After “Act;”, insert “or”.

(c) Section 21c (2) (c)—

Omit “Act ; or”, insert instead “Act.”.

(d) Section 21c (2) (d)—

Omit the paragraph.

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

(e) Section 21c (3)—

After “destroying”, insert “or topping, lopping or removing”.

(f) Section 21c (3) (a)—

Omit “land; or”, insert instead “protected land;”.

(g) Section 21c (3) (b)—

Omit “the land.”, insert instead “each separate area of protected land where the area of not more than 2 hectares does not comprise more than one-quarter of the separate area of protected land; or”.

(h) Section 21c (3) (c)—

After section 21c (3) (b), insert :—

- (c) the trees comprising a banana plantation or orchard where the ringbarking, cutting down, felling, poisoning or otherwise destroying or the topping, lopping or removing is necessary for the harvesting of the produce of, or the management of, the plantation or orchard.

(i) Section 21c (3A)—

After section 21c (3), insert :—

(3A) The doing of anything referred to in subsection (3) (c) shall be deemed not to be necessary for the harvesting of, or the management of, a plantation or orchard if it results in the complete destruction of the plantation or orchard.

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

(j) Section 21C (5)—

Omit the subsection, insert instead :—

(5) An information in respect of an offence under this section committed after the date of assent to the Soil Conservation (Amendment) Act, 1978, may be laid at any time within 2 years after the commission of the offence.

(7) Section 21CA—

After section 21C, insert :—

21CA. (1) Where the Board is satisfied that any thing prohibited by section 21C (1) done or proposed to be done by any person on any protected land is causing or is likely to cause soil erosion on the protected land or any adjacent land (whether, in respect of the thing done, any person has been convicted of an offence under section 21C (1) or not), it may, by notice in writing served personally or by post on that person, require that person within the time specified in the notice to abstain from doing or to do or permit to be done such things as the Board considers necessary to mitigate or avoid, or repair the damage caused by, the erosion. **Prevention of soil erosion and repair of damage.**

(2) The time referred to in subsection (1) shall commence—

(a) where no objection has been lodged under subsection (5) in respect of the notice or any copy thereof—upon the expiration of the period of 30 days after—

(i) the date of service of the notice; or

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

- (ii) the date of service of a copy of the notice, whichever is the later or latest; or
- (b) where an objection is lodged under subsection (5) in respect of the notice or any copy thereof—upon the date of service of the notice of the Minister's direction under subsection (11) in respect of the notice.
- (3) A copy of a notice under subsection (1) shall be served personally or by post on any person who appears to the Board to be the owner, occupier or mortgagee of the protected land (not being the person on whom the original notice is or is to be served) and, where the notice requires the doing of things on any adjacent land, on any person who appears to the Board to be the owner, occupier or mortgagee of that adjacent land.
- (4) A notice under subsection (1) may be revoked, varied or amended by a like notice.
- (5) Any person on whom a notice has been served under subsection (1) or on whom a copy of a notice has been served under subsection (3) may, within the period of 30 days after service of the notice or copy, as the case may be, lodge with the Board an objection in writing to the requirements of the notice.
- (6) An objection under subsection (5) shall specify the grounds of objection.
- (7) The Board shall refer any objection lodged under subsection (5) to the local land board for inquiry.

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

(8) Upon receipt of an objection referred to in subsection (7), the local land board shall—

- (a) notify the objector and the Board of the holding of the inquiry;
- (b) hold an inquiry into the matters raised by the objection;
- (c) recommend in writing to the Minister that—
 - (i) the notice be complied with;
 - (ii) the notice be revoked; or
 - (iii) the notice, varied or amended as recommended by the local land board, be complied with; and
- (d) announce the terms of its recommendation in open court.

(9) There shall be no right of appeal against a recommendation made under subsection (8) (c).

(10) The objector and the Board shall be entitled to attend, or be represented at, an inquiry referred to in subsection (8) and be heard.

(11) After considering a recommendation referred to in subsection (8), the Minister may, whether in accordance with that recommendation or not, direct that—

- (a) the notice be complied with;
- (b) the notice be revoked; or

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

- (c) the notice as varied or amended by the Minister be complied with,

and shall—

- (d) in the case of a direction under paragraph (a) or (c), serve, either personally or by post, notice of the direction on the person served with the notice under subsection (1); and
- (e) where the person referred to in paragraph (d) is not the objector, advise the objector of his decision.

(12) Subject to subsection (2)—

- (a) if any person wilfully fails to comply with the requirements of a notice under subsection (1) within the time specified in the notice he is guilty of an offence against this Act and liable to a penalty not exceeding \$1,000; and
- (b) if any person does not comply with the requirements of a notice under subsection (1) within the time specified in the notice (whether that person has been convicted of an offence under paragraph (a) in respect of the notice or not) the Minister may, where the notice required the doing of a thing on any land, authorise the Commissioner to enter upon the land and do the thing.

(13) Any costs incurred by the Commissioner under subsection (12) (b) may be recovered from the person served with the notice in a court of competent jurisdiction as a debt due to the Crown.

(14) Where the person referred to in subsection (13) is the owner of the land on which the thing is done, the costs incurred shall, until paid, be a charge on the land.

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

(15) Where a person has been prosecuted under subsection (12) (a), it is a defence to that prosecution if the court is satisfied that that person had no legal right to enter the land in respect of which the notice was given and comply with the requirements of the notice.

(8) (a) Section 21D (1)—

After “protected land,” insert “or to any holder or grantee of timber rights over protected land,”.

(b) Section 21D (1)—

After “manner”, insert “or the topping, lopping or removing”.

(c) Section 21D (4)—

After “relates”, insert “or to the holder or grantee of timber rights over the land to which an authority relates”.

(d) Section 21D (5)—

Omit the subsection, insert instead :—

(5) Any owner or occupier of land or holder or grantee of timber rights over land who succeeds a person to whom an authority has been issued under this section shall, while he remains the owner, occupier, holder or grantee, be deemed to have been issued with that authority.

(9) Part IV, Division 3, heading—

After “Works”, insert “and Catchment Areas”.

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

(10) (a) Section 22 (1) (a)—

Omit “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”, insert instead :—

catchment area—

(i) notified under section 20 (1) or constituted under section 21 has caused or is likely to cause damage to or has interfered or is likely to interfere with the utility of any proclaimed work; or

(ii) notified under section 20 (1A) has caused or is likely to cause soil erosion or siltation;
and

(b) Section 22 (1) (b)—

Omit “or interference”, insert instead “, interference, soil erosion or siltation”.

(c) Section 22 (1)—

After “the occupier of” wherever occurring, insert “, and on the holder or grantee of any timber rights over,”.

(d) Section 22 (1)—

Omit “or occupier”, insert instead “, occupier, holder or grantee”.

(e) Section 22 (2)—

Omit “or occupier”, insert instead “, occupier, holder or grantee”.

Soil Conservation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO CATCHMENT
AREAS—*continued.*

(f) Section 22 (2)—

After “lodge”, insert “with the Minister”.

(g) Section 22 (2)—

Omit “and shall be lodged in the manner prescribed”.

(h) Section 22 (2)—

Omit “owner, occupier or mortgagee objecting”,
insert instead “objector”.

(i) Section 22 (4)—

Omit “one hundred dollars” wherever occurring, insert
instead “\$1,000”.

(j) Section 22 (4)—

Omit “less than ten years”, insert instead “more than
10 years”.

(k) Section 22 (4)—

Omit “less than fifteen years”, insert instead “more
than 15 years”.

Soil Conservation (Amendment).

Sec. 4.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
APPOINTMENT OF AN ASSISTANT COMMISSIONER OF THE SOIL
CONSERVATION SERVICE.

(1) Section 3, definition of "Assistant Commissioner"—

After the definition of "Assessment Board", insert :—

"Assistant Commissioner" means the Assistant Commissioner of the Service appointed for the purposes of this Act.

(2) Section 4A—

After section 4, insert :—

Assistant
Commissioner.

4A. (1) The Governor may, from time to time, under the provisions of the Public Service Act, 1902, appoint an Assistant Commissioner of the Service.

(2) The Assistant Commissioner shall be subject to the provisions of the Public Service Act, 1902, during his term of office.

(3) The Assistant Commissioner—

(a) shall assist the Commissioner in the exercise or discharge of his powers, authorities, duties and functions;

(b) may, with the approval of the Minister, act in the place of the Commissioner or, where there is a deputy Commissioner, in the place of the deputy Commissioner if the Commissioner or the deputy Commissioner, as the case may be—

(i) is absent from duty; or

Soil Conservation (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
APPOINTMENT OF AN ASSISTANT COMMISSIONER OF THE SOIL
CONSERVATION SERVICE—*continued.*

- (ii) though not absent from duty, is not available to exercise or discharge his powers, authorities, duties and functions, and while so acting shall have the immunities and may exercise or discharge all the powers, authorities, duties and functions of the Commissioner; and
- (c) shall exercise or discharge such other powers, authorities, duties and functions as are conferred or imposed upon him by or under this or any other Act.

(4) An approval under subsection (3) (b), in relation to the Assistant Commissioner acting in the place of the Commissioner, shall not have effect while a deputy Commissioner is acting in the place of the Commissioner under section 4 (6).

(5) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Assistant Commissioner to act in the place of the Commissioner, or as to the necessity or propriety of any approval for the Assistant Commissioner so to act and all things done or omitted by the Assistant Commissioner while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Commissioner.

Soil Conservation (Amendment).

Sec. 4.

SCHEDULE 3.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PENALTIES.

(1) Section 15 (3)—

Omit “ten dollars”, insert instead “\$200”.

(2) Section 18 (12)—

Omit “for a first offence to a penalty not exceeding one hundred dollars and for any subsequent offence to a penalty not exceeding two hundred dollars”, insert instead “to a penalty not exceeding \$1,000”.

(3) Section 21c (4)—

Omit “for a first offence to a penalty not exceeding two hundred dollars and for any subsequent offence to a penalty not exceeding five hundred dollars”, insert instead “to a penalty not exceeding \$500”.

(4) Section 22 (6)—

Omit “forty dollars”, insert instead “\$400”.

(5) Section 22o—

Omit “one hundred dollars”, insert instead “\$500”.

(6) Section 27—

Omit “forty dollars”, insert instead “\$400”.

Soil Conservation (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PENALTIES—*continued.*

(7) Section 29 (1)—

Omit “twenty dollars”, insert instead “\$200”.

(8) Section 35—

Omit “twenty dollars”, insert instead “\$200”.

SCHEDULE 4.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3, definition of “Bank”—

Before the definition of “Catchment Areas Protection Board”, insert :—

“Bank” means the Rural Bank of New South Wales.

(b) Section 3, definition of “Occupier”—

After the definition of “Local land board”, insert :—

“Occupier”, in relation to land, includes a person having the control or management of the land, whether residing thereon or not.

(c) Section 3, definition of “Owner”—

From paragraph (c), omit “or mortgagee in possession”, insert instead “, mortgagee in possession or otherwise”.

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(d) Section 3, definition of “Works”—

After the definition of “Tree”, insert :—

“Works”, other than in Part IV, means works necessary for the conservation of soil or the mitigation of erosion and any operations incidental thereto.

(2) (a) Section 10 (2)—

After “scheme”, insert “or schemes”.

(b) Section 10 (4)—

Omit “the scheme”, insert instead “a scheme”.

(3) Section 11 (1A) (b)—

After “utilisation”, insert “or land management”.

(4) (a) Section 12 (b) (iii)—

Omit “subsection (1) of section 14 or under section 17”, insert instead “section 14 (1) or 18 or under Part IVA”.

(b) Section 12—

After “an owner”, insert “or occupier”.

(c) Section 12—

After “the owner”, insert “or occupier”.

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(5) Section 13—

Omit “work”, insert instead “works”.

(6) (a) Section 14 (1)—

Omit “work in connection with soil conservation or erosion mitigation or in connection with any other purpose contemplated by this Act whether or not such work is”, insert instead “works, whether or not the works are”.

(b) Section 14 (2), (3)—

Omit “work” wherever occurring, insert instead “works”.

(c) Section 14 (3)—

Omit “is constructed or used or is”, insert instead “are constructed or used or are”.

(7) Section 14A—

After section 14, insert:—

14A. The Minister may—

(a) let on hire any machinery, plant or equipment;
or

(b) provide labour, materials or services,

to any person for the purpose of the carrying out of works, subject to payment of such charge or cost as may be agreed upon.

Minister
may let
machinery,
etc.

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(8) Section 18 (2) (b)—

After “utilisation”, insert “or land management”.

(9) Section 22A—

Omit the section.

(10) (a) Section 22B (1A), (1B) —

After section 22B (1), insert:—

(1A) An occupier of land may, with the written consent of the owner of the land, make an application pursuant to subsection (1).

(1B) For the purposes of this Part, where an occupier of land has made, or is entitled to make, an application pursuant to subsection (1), a reference in this Part to the owner, in relation to an application in respect of the land, shall be deemed to be a reference to the occupier of the land.

(b) Section 22B (2)—

Omit “the prescribed form”, insert instead “a form approved by the Minister”.

(c) Section 22B (3)—

After section 22B (2), insert:—

(3) Where this Part provides for the doing of a thing by an owner of land, that thing may be done by an agent of that owner authorised for that purpose.

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(11) Sections 22F, 22G—

Omit the sections, insert instead:—

22F. The Bank shall, at the request of the Treasurer, provide money to the Minister as working capital for the purposes of this Part to meet the costs and expenses incurred, or to be incurred, by any person or body, including the Minister, in carrying out works under this Part. Provision of money to meet costs and expenses.

22G. (1) Where any works in respect of which an advance is to be made under this Part have been, or are to be, carried out by any person or body, including the Minister, the advance shall be paid by the Bank at such time and in such manner and to such persons as the Minister directs or, if the Minister so directs, to him to recoup costs and expenses incurred by him. Payment of advances.

(2) Without limiting the generality of subsection (1), an advance referred to in that subsection may be paid in the form of progress payments at such times and in such manner as the Minister directs.

(3) For the purposes of this section, the Minister may authorise the Commissioner or any officer or employee of the Service to enter the lands of an owner and inspect works or sites of works.

(12) (a) 22H (3)—

Omit “the certificate referred to in subsection (5)”, insert instead “a certificate under the hand of the Minister or a person authorised by him”.

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*
**MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
*continued.***

(b) Section 22H (4), (5)—

Omit the subsections.

(13) Section 22HA—

After section 22H, insert:—

**Determina-
tion
of amount
of advance.**

22HA. The amount of any advance to be made to an owner in respect of works carried out under this Part shall be as finally determined by the Minister.

(14) Section 22I—

Omit the section, insert instead:—

**Advances
when
machinery
let, etc.**

22I. Where the Minister has, pursuant to this section, as in force before the date of assent to the Soil Conservation (Amendment) Act, 1978, or section 14A, let on hire any machinery, plant or equipment or provided labour, materials or services to any owner for the purpose of carrying out any works in respect of which an advance is to be made under this Part, the Bank shall, at the request of the Minister, pay to the Minister the amount of the charge therefor or the cost thereof and thereupon that amount shall, for the purposes of this Part, be deemed to have been advanced to the owner.

(15) Section 22J (2)—

Omit “the whole”, insert instead “all or any”.

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(16) (a) Section 22K (1)—

Omit the subsection, insert instead :—

(1) Subject to subsection (5), the repayment of every advance made under this Part, together with interest, shall be secured by a deed of charge over—

(a) the lands of the owner; or

(b) where the advance is repayable by 2 or more owners, the lands of each of those owners,

or over such of those lands as the Minister considers sufficient, whether those lands are the lands in respect of which the advance was made or not.

(b) Section 22K (5)—

After section 22K (4), insert :—

(5) If the Minister so approves, the repayment of an advance made under this Act, together with interest, may be secured partly by a deed of charge and partly in some other manner approved by the Minister or wholly in some other manner approved by the Minister.

(17) (a) Section 22M (1) (a)—

After “owner”, insert “or occupier”.

(b) Section 22M (2) (a)—

After “owner” where firstly occurring, insert “or occupier”.

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(c) Section 22M (2) (a)—

Omit “by the owner”.

(d) Section 22M (3)—

Omit “, out of the moneys to be advanced to the owner,”.

(e) Section 22M (3)—

After “have been advanced to the owner”, insert “or occupier, as the case may be”.

(18) Section 22P—

Omit the section.

(19) (a) Section 26—

Omit “work” wherever occurring, insert instead “works”.

(b) Section 26 (1)—

After “mitigation”, insert “or for purposes incidental thereto”.

(20) Section 27—

Omit “work which is being or has been”, insert instead “works which are being or have been”.

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(21) (a) Section 28 (1)—

Omit “special lease, scrub lease, inferior lands lease, snow lease, residential lease, improvement lease, settlement lease or lease under section 18 or under section 23 of the Crown Lands Act (Amendment) Act, 1903, or lease under section 73 of the Crown Lands Consolidation Act, 1913, or Crown lease or conditional purchase lease”, insert instead “homestead selection or lease referred to in section 182 of the Crown Lands Consolidation Act, 1913”.

(b) Section 28 (2)—

Omit “lease”, insert instead “homestead selection or lease”.

(22) Section 30A—

After section 30, insert :—

30A. (1) The Minister may by instrument in writing delegate to the Commissioner, the Assistant Commissioner or to an officer or employee of the Service the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Minister by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) The Commissioner may by instrument in writing delegate to the Assistant Commissioner or to an officer or employee of the Service the exercise or performance of such of the powers (other than this power of

Soil Conservation (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

delegation), authorities, duties or functions conferred or imposed on the Commissioner by or under this or any other Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Minister or the Commissioner, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated by him.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Minister or the Commissioner, as the case may be.

Soil Conservation (Amendment).

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION.

(1) Section 2—

From the matter relating to Part III, omit "18", insert instead "18B".

(2) (a) Section 3, definition of "Catchment Areas Protection Board"—

Omit "Catchment Areas Protection" where firstly occurring.

(b) Section 3, definition of "Commissioner"—

Omit "Soil Conservation".

(c) Section 3, definition of "Local land board"—

Omit "as amended by subsequent Acts,".

(d) Section 3, definition of "Prescribed"—

Omit the definition.

(e) Section 3, definition of "Service"—

Omit the definitions of "Schedule" and "Statutory Corporation", insert instead :—

"Service" means the Soil Conservation Service of New South Wales.

(3) (a) Section 4 (1)—

After "Service" where firstly occurring, insert "of New South Wales".

Soil Conservation (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(b) Section 4 (1)—

Omit “or any Act amending that Act,”.

(c) Section 4 (1)—

Omit “any such”, insert instead “that”.

(d) Section 4 (7) (a) (ii)—

Omit the subparagraph, insert instead :—

(ii) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(e) Section 4 (7) (iv)—

Omit the subparagraph, insert instead :—

(iv) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(f) Section 4 (8) (a), (b)—

Omit “or any Act amending such Acts,” wherever occurring.

(g) Section 4 (8) (a)—

Omit “, or any amendment thereof”.

Soil Conservation (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(h) Section 4 (8) (b)—

Omit “or any amendment thereof.”.

(4) Sections 5 (1), 18B (2) (c), 22D (3)—

Omit “as amended by subsequent Acts,” wherever occurring.

(5) Sections 11 (1), 24, 25—

Omit “His Majesty” wherever occurring, insert instead “the Crown”.

(6) (a) Section 14 (3)—

Omit “-1936” wherever occurring.

(b) Section 14 (3)—

Omit “Water Conservation and Irrigation Commission”, insert instead “Water Resources Commission”.

(7) (a) Section 15—

After “or any officer or employee” wherever occurring, insert “of the Service”.

(b) Section 15 (2)—

Omit “by any”, insert instead “by that”.

(c) Section 15 (2)—

Omit “or such”, insert instead “or that”.

Soil Conservation (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

- (8) Section 17 (8)—
Omit “Secretary for Lands”, insert instead “Minister for Lands”.
- (9) (a) Section 18 (3)—
Omit “paragraph (c) of subsection (2)”, insert instead “subsection (2) (c)”.
- (b) Section 18 (5), (11)—
Omit “paragraphs (b) and (c) of subsection (2)” wherever occurring, insert instead “subsection (2) (b) and (c)”.
- (10) (a) Section 18A (5)—
Omit “or of any Act amending that Act,”.
- (b) Section 18A (5)—
Omit “any such”, insert instead “that”.
- (c) Section 18A (8)—
Omit “or of any Act amending such Act,”.
- (11) (a) Section 21A—
Omit “subsection (1) of section 21B”, insert instead “section 21B (1)”.
- (b) Section 21A—
Omit “that subsection”, insert instead “section 21B (1)”.

Soil Conservation (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(c) Section 21A (a)—

Omit “subsection (2) of that section”, insert instead
“section 21B (2)”.

(12) Sections 21B (1), 21D (1), 21D (4), 21D (6), 21E, 22 (2),
31—

Omit “Catchment Areas Protection” wherever occurring.

(13) Section 21D (6)—

Omit “that Board”, insert instead “the Board”.

(14) Section 22 (5) (a)—

Omit “-1932”.

(15) (a) Section 22D (1)—

Omit “subsection (3) of section 22C”, insert instead
“section 22C (3)”.

(b) Section 22D (1)—

Omit “Colonial”.

(16) Section 22H (4)—

Omit “subsection (3) of section 22C”, insert instead
“section 22C (3)”.

Soil Conservation (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(17) (a) Section 22J (1)—

Omit “subsection (2) of section 22B”, insert instead “section 22B (2)”.

(b) Section 22J (2)—

Omit “subsection (3) of section 22C”, insert instead “section 22C (3)”.

(18) Section 25B—

Omit “Her Majesty”, insert instead “the Crown”.

(19) Section 28—

Omit “Secretary for Lands” wherever occurring, insert instead “Minister for Lands”.

(20) Section 29 (2)—

Omit “or police”.

(21) (a) Section 32 (1) (g)—

Omit “Water Conservation and Irrigation Commission”, insert instead “Water Resources Commission”.

(b) Section 32 (7)—

Omit “paragraph (i) of subsection (1)”, insert instead “subsection (1) (i)”.

Soil Conservation (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(22) Section 36—

Omit the section, insert instead:—

36. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969. ^{Machinery for making regulations.}