

**SOIL CONSERVATION (AMENDMENT) ACT 1986**  
**No. 105**

NEW SOUTH WALES



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**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*

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**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.

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**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"—**

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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.

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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,”.
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