

**SOIL CONSERVATION (AMENDMENT) ACT 1989 No. 236**

**NEW SOUTH WALES**



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**SOIL CONSERVATION (AMENDMENT) ACT 1989 No. 236**

**NEW SOUTH WALES**



**Act No. 236, 1989**

An Act to amend the Soil Conservation Act 1938 to abolish the Catchment Areas Protection Board and to increase penalties for offences under that Act, and to make consequential amendments to certain other Acts. [Assented to 21 December 1989]

*Soil Conservation (Amendment) 1989*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Soil Conservation (Amendment) Act 1989.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Soil Conservation Act 1938 No. 10**

3. The Soil Conservation Act 1938 is amended as set out in Schedules 1 and 2.

**Consequential amendment of other Acts**

4. Each Act specified in Schedule 3 is amended as set out in that Schedule.

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**SCHEDULE 1 - AMENDMENTS RELATING TO CATCHMENT  
AREAS PROTECTION BOARD**

(Sec. 3)

(1) Section 3 (**Definitions**):

Omit the definition of "Board".

(2) Section 15 (**Power of entry**):

(a) Section 15 (1), (3):

Omit ", any member of the Board" wherever occurring.

(b) Section 15 (1), (2):

Omit ", the Board" wherever occurring.

*Soil Conservation Amendment 1989*

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SCHEDULE 1 - AMENDMENTS RELATING TO CATCHMENT  
AREAS PROTECTION BOARD - *continued*

- (c) Section 15 (1):  
Omit ", the member".
- (d) Section 15 (2):  
Omit ", by a member of the Board, by an officer or  
employee of the Service on behalf of the Board".
- (3) Section 21B (**Protected land**):  
Section 21B (1), (2):  
Omit "Board" wherever occurring, insert instead  
"Commissioner".
- (4) Section 21C (**Destruction of trees on protected land prohibited  
except under authority**):  
Section 21C (2) (b):  
Omit "Board", insert instead "Commissioner".
- (5) Section 21CA (**Prevention of soil erosion and repair of  
damage**):
  - (a) Section 21CA (1), (3), (8) (c):  
Omit "Board" wherever occurring, insert instead  
"Commissioner".
  - (b) Section 21CA (1):  
Omit "it may", insert instead "the Commissioner may".
- (6) Section 21D (**Authority to destroy timber on protected land**):
  - (a) Section 21D (1), (2) (a), (3) (i), (3A), (4):  
Omit "Board" wherever occurring, insert instead  
"Commissioner".

SCHEDULE 1 - AMENDMENTS RELATING TO CATCHMENT  
AREAS PROTECTION BOARD - *continued*

- (b) Section 21D (3A):  
Omit "if it is", insert instead "if the Commissioner is".
- (c) Section 21D (6):  
Omit the subsection.
  
- (7) Section 21E (**Evidence that land is protected land**):  
Omit "Chairman or the Deputy Chairman of the Board",  
insert instead "Commissioner".
  
- (8) Section 31 (**Protection of Minister, Commissioner, and officers  
etc.**):  
Omit "or the Board" wherever occurring.
  
- (9) Section 32 (**Catchment Areas Protection Board**):  
Omit the section.
  
- (10) First Schedule (Savings, transitional and other provisions):
  - (a) Before clause 1, insert:

**PART 1 - PROVISIONS CONSEQUENT  
ON ENACTMENT OF STATUTE LAW  
(MISCELLANEOUS PROVISIONS)  
ACT (No. 2) 1987**
  - (b) After clause 1, insert:

**PART 2 - SAVINGS AND TRANSITIONAL  
REGULATIONS**

**Regulations**

2. (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:  
Soil Conservation (Amendment) Act 1989.

*Soil Conservation Amendment 1989*

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SCHEDULE 1 - AMENDMENTS RELATING TO CATCHMENT  
AREAS PROTECTION BOARD - *continued*

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect as from the date of assent to the Act concerned or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

**PART 3 - PROVISIONS CONSEQUENTIAL ON  
ENACTMENT OF SOIL CONSERVATION  
(AMENDMENT) ACT 1989**

**Abolition of Catchment Areas Protection Board**

3. On the repeal of section 32, the Catchment Areas Protection Board is abolished.

**Members of Catchment Areas Protection Board**

4. A person who, immediately before the abolition of the Catchment Areas Protection Board, was a member of that Board ceases to hold that office on the abolition of that Board and is not entitled to any remuneration or compensation because of the loss of that office.

**Construction of references**

5. After the abolition of the Catchment Areas Protection Board, a reference in any other Act, in any instrument made under any Act or in any other instrument of any kind to the Catchment Areas Protection Board is to be read as a reference to the Commissioner of the Soil Conservation Service of New South Wales.

**SCHEDULE 1 - AMENDMENTS RELATING TO CATCHMENT  
AREAS PROTECTION BOARD - *continued***

**Transfer of assets, liabilities etc. of Board**

6. On the abolition of the Catchment Areas Protection Board, any assets, rights, liabilities or obligations of the Board become assets, rights, liabilities or obligations of the Crown.

**Existing authorities, notices, maps, orders etc. concerning  
protected lands**

7. Any notice, authority or certificate issued, any map prepared or any order published in the Gazette by the Catchment Areas Protection Board continues to apply in respect of protected land as if that Board had not been abolished.

**SCHEDULE 2 - AMENDMENTS RELATING TO PENALTIES**

(Sec. 3)

(1) Section 15 (**Power of entry**):

Section 15 (3):

Omit "\$500", insert instead "50 penalty units".

(2) Section 15E (**Prosecution**):

Section 15E (1):

Omit "\$2,000", insert instead "500 penalty units".

(3) Section 15F (**Commissioner may carry out work**):

Section 15F (4):

Omit "\$500", insert instead "50 penalty units".

(4) Section 18 (**Direction to carry out works or measures**):

Section 18 (12):

Omit "\$2,000", insert instead "500 penalty units".

*Soil Conservation Amendment 1989*

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SCHEDULE 2 - AMENDMENTS RELATING TO PENALTIES -  
*continued*

- (5) Section 21C (**Destruction of trees on protected land prohibited except under authority**):
  - Section 21C (4):  
Omit "\$10,000", insert instead "400 penalty units".
- (6) Section 21CA (**Prevention of soil erosion and repair of damage**):
  - Section 21CA (12) (a):  
Omit "\$10,000", insert instead "400 penalty units".
- (7) Section 22 (**Preservation of proclaimed works**):
  - Section 22 (6):  
Omit "\$2,000", insert instead "500 penalty units".
- (8) Section 27 (**Interference with or damage to works etc.**):
  - Omit "\$2,000", insert instead "500 penalty units".
- (9) Section 29 (**Penalties**):
  - (a) Section 29 (1):  
Omit "\$500", insert instead "50 penalty units".
  - (b) Section 29 (2):  
Omit the subsection, insert instead:
    - (2) Proceedings for an offence against this Act are to be dealt with in a summary manner before a Local Court constituted by a Magistrate sitting alone or before the Land and Environment Court.



SCHEDULE 2 - AMENDMENTS RELATING TO PENALTIES -  
*continued*

(c) Section 29 (3):  
Omit "\$2,000", insert instead "100 penalty units".

(10) Section 35 (**Penalty for breach of regulations**):  
Omit "\$500", insert instead "50 penalty units".

SCHEDULE 3 - CONSEQUENTIAL AMENDMENT OF OTHER  
ACTS

(Sec. 4)

**Bush Fires Act 1949 No. 31:**

Column 2 of Table to section 22A:

Omit "The Catchment Areas Protection Board", insert  
instead "The Commissioner of the Soil Conservation  
Service of New South Wales".

**Forestry Act 1916 No. 55:**

Section 27H:

Omit "Catchment Areas Protection Board constituted  
under that Act", insert instead "Commissioner of the Soil  
Conservation Service of New South Wales".

**Western Lands Act 1901 No. 70:**

Section 18DB (13) (b):

Omit "Catchment Areas Protection Board constituted  
under that Act", insert instead "Commissioner of the Soil  
Conservation Service of New South Wales".

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[*Minister's second reading speech made in -  
Legislative Assembly on 15 November 1989  
Legislative Council on 22 November 1989*]