

SOIL CONSERVATION (AMENDMENT) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Catchment Management Bill 1989.

The objects of this Bill are:

- (a) to abolish the Catchment Areas Protection Board and to transfer the functions of that Board to the Commissioner of the Soil Conservation Service; and
- (b) to increase the penalties for offences under the Soil Conservation Act 1938 and regulations; and
- (c) to make amendments to other Acts consequent on the abolition of the Board.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedules of amendments to the Soil Conservation Act 1938.

Clause 4 is a formal provision that gives effect to the Schedule of amendments to other Acts.

SCHEDULE 1 - AMENDMENTS RELATING TO CATCHMENT AREAS PROTECTION BOARD

Schedule 1 (9) omits the section that establishes and provides for membership of the Catchment Areas Protection Board.

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Schedule 1 (1) omits the definition of "Board" from the Act.

Schedule 1 (3), (4), (5), (6) and (7) provide for the functions under the Act that were exercised by the Catchment Areas Protection Board to be exercised by the Commissioner of the Soil Conservation Service.

Schedule 1 (2) omits references to the Board and its members in relation to power of entry under the Act.

Schedule 1 (8) omits references to the Board in relation to protection from liability for actions taken under the Act.

Schedule 1 (10) contains savings and transitional provisions consequent on the abolition of the Board.

SCHEDULE 2 - AMENDMENTS RELATING TO PENALTIES

Schedule 2 (1) increases the penalty for obstructing an officer carrying out surveys or investigations under the Act from \$500 to 50 penalty units (\$5,000).

Schedule 2 (2) increases the penalty for failing to comply with a notice, issued under section 15A (1) in relation to acts or omissions to avoid soil erosion or land degradation, from \$2,000 to 500 penalty units (\$50,000).

Schedule 2 (3) increases the penalty for obstructing or hindering the Soil Conservation Service in carrying out works pursuant to a notice issued under section 15A (1) from \$500 to 50 penalty units (\$5,000).

Schedule 2 (4) increases the penalty for failing to comply with a notice, issued under section 18 (1) in relation to directions to carry out works or other measures on land that is an area of erosion hazard, from \$2,000 to 500 penalty units (\$50,000).

Schedule 2 (5) increases the penalty for destroying trees on protected land, except in accordance with an authority, from \$10,000 to 400 penalty units (\$40,000).

Schedule 2 (6) increases the penalty for failing to comply with a notice, issued under section 21CA (1) in relation to acts or omissions to prevent soil erosion or repair damage to protected land, from \$10,000 to 400 penalty units (\$40,000).

Schedule 2 (7) increases the penalty for failing to comply with a notice, issued under section 22 (1) concerning interference with the utility of a proclaimed work, from \$2,000 to 500 penalty units (\$50,000).

Schedule 2 (8) increases the penalty for interfering with or damaging any works carried out pursuant to the Act from \$2,000 to 500 penalty units (\$50,000).

Schedule 2 (9) (a) increases the penalty for contravening a provision of the Act, where no other penalty is expressly provided, from \$500 to 50 penalty units (\$5,000).

Schedule 2 (9) (b) makes provision for the Land and Environment Court to deal with additional offences under the Act.

Schedule 2 (9) (c) increases the maximum penalty where proceedings for an offence are brought in a Local Court from \$2,000 to 100 penalty units (\$10,000) or the maximum penalty provided by the Act, or regulations for the particular offence, whichever is the lesser.

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Schedule 2 (10) increases the penalty for a breach of the regulations from \$500 to 50 penalty units (\$5,000).

SCHEDULE 3 - CONSEQUENTIAL AMENDMENT OF OTHER ACTS

Schedule 3 provides for amendment, consequent on the abolition of the Catchment Areas Protection Board, of the following Acts:

Bush Fires Act 1949
Forestry Act 1916
Western Lands Act 1901
