

SOIL CONSERVATION (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Soil Conservation Act 1938 so as—

- (a) to abolish the Soil Conservation Advisory Council; and
- (b) to reconstitute soil conservation catchment committees; and
- (c) to provide that the Crown is bound by the Act; and
- (d) to alter the method of granting exemptions from the prohibition on the destruction of trees on certain protected land; and
- (e) to make other miscellaneous amendments.

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 giving effect to the Schedule of amendments to the Soil Conservation Act 1938.

Clause 4 is a transitional provision dealing with members of the Soil Conservation Advisory Council.

Clause 5 repeals the Soil Conservation (Catchment Committees) Regulation 1983.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) amends section 17 to provide that a State forest is not to be included in an area of erosion hazard except with the concurrence of the Minister administering the Forestry Act 1916.

Schedule 1 (2) amends section 21C in relation to the circumstances in which trees situated on land designated as protected land under the Principal Act may be damaged or destroyed. At present, these circumstances are described in the Act. The effect of the amendment is to permit them to be prescribed by the regulations or by order of the Catchment Areas Protection Board.

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Schedule 1 (3) amends section 21D so as to provide that applications for authorities to damage or destroy trees on protected land are to be in a form approved by the Board. At present, the form is prescribed by the regulations.

Schedule 1 (4) repeals section 23 so as to abolish the Soil Conservation Advisory Council.

Schedule 1 (5) substitutes section 23A, under which soil conservation catchment committees are constituted, and repeals section 23B which relates to the membership and procedures of catchment committees. The amendment enables the Minister to constitute such committees as the Minister thinks fit. At present, the regulations make provision for the constitution and membership of soil conservation catchment committees.

Schedule 1 (6) amends section 23C as a consequence of the amendment made by Schedule 1 (5).

Schedule 1 (7) inserts new provisions into section 25C with respect to land and contracts. The Soil Conservation Commission is specifically authorised to enter into contracts for the use of its property or the services of its public servants or other staff outside New South Wales or Australia. If the Commission enters into a contract for consultancy or other services involving the performance by a public servant or other employee of services outside New South Wales or Australia, the conditions of employment of the public servant or employee may be varied with the consent of the public servant or employee to take account of the special circumstances applying in the particular case.

Schedule 1 (8) inserts section 31A so as to provide that the Principal Act binds the Crown.

Schedule 1 (9) inserts the Fifth Schedule which deals with provisions relating to the members and procedures of soil conservation catchment committees.
