

### 32. Service of notices

- (1) Whenever the Commissioner is of the opinion that as a result of —
  - (a) any agricultural or pastoral practices or methods, which have been or are likely to be adopted;
  - (b) clearing or intended clearing;
  - (c) failure on the part of any person to take adequate precautions to prevent or control soil erosion, salinity or flooding; or
  - (d) the destruction, cutting down or injuring of any tree, shrub, grass or any other plant,on any land, land degradation is occurring or is liable or likely to become liable to occur on that land or elsewhere the Commissioner may —
  - (e) by notice in writing served on each owner, and each occupier, of that land, or on any other person who, in the opinion of the Commissioner, is acting in a manner described in paragraph (a), (b), (c) or (d) which is directly associated with the actual or potential land degradation, direct that any or all of the things mentioned in subsection (2) of this section be done on or in relation to that land;
  - (f) by notice in writing served on each owner, and each occupier, of any land on which that land degradation is so occurring or is liable or likely to become liable to so occur direct that any or all of the things mentioned in subsection (2) of this section be done on or in relation to such land.
- (1a) In any proceedings, evidence proving that a notice was served in accordance with subsection (1) is sufficient evidence that the Commissioner was of an opinion required by subsection (1) for the serving of the notice.
- (2) A soil conservation notice may —
  - (a) direct each or any one or more of the persons bound by the soil conservation notice to do all or any of the following things —
    - (i) adopt or refrain from adopting any agricultural or pastoral methods specified in the notice;
    - (ii) refrain from clearing any land specified in the notice;
    - (iii) refrain from destroying, cutting down or injuring any tree, shrub, grass or other plant on any land specified in the notice;
    - (iv) take such action as is specified in the notice for preventing the erosion, drift or movement of sand, soil, dust or water on or from any land specified in the notice;
    - (v) any other matter incidental to the foregoing;and
  - (b) specify a period within which or for the duration of which such things shall be done.
- (3) A soil conservation notice —
  - (a) while it subsists, binds each person on whom it is served; and
  - (b) while a memorial of the soil conservation notice remains registered under section 34A, binds each successive owner, and each successive occupier, of the land to which the soil conservation notice relates.

- (4) As soon as practicable after serving a soil conservation notice the Commissioner shall notify each of the other members of the Council, in writing, of the service of the notice and of the directions contained therein.

*[Section 32 inserted by No. 42 of 1982 s.33; amended by No. 46 of 1988 s.13; No. 91 of 1990 ss.10 and 16; No. 47 of 1994 s.18.]*