

SOIL CONSERVATION.

No. 40 of 1974.

AN ACT to amend the Soil Conservation Act, 1945-1973.

[Assented to 15th November, 1974.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Soil Conservation Act Amendment Act, 1974*.

Short title
and
citation.

(2) In this Act the Soil Conservation Act, 1945-1973, is referred to as the principal Act.

Reprinted as
approved for
reprint
22nd
October,
1959, and
amended by
Acts Nos. 67
of 1967, and
and 19 of
1973.

(3) The principal Act as amended by this Act may be cited as the Soil Conservation Act, 1945-1974.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Section 4
amended.

3. Section 4 of the principal Act is amended—

(a) by deleting the interpretation of the word “Commissioner” and substituting a new interpretation as follows—

“Commissioner” means the person for the time being holding or acting in the office of the Commissioner of Soil Conservation under this Act. ;

(b) by deleting the interpretation of the word “Minister”; and

(c) as to the interpretation of the term “Public Authority”,—

(i) by deleting paragraph (b) and paragraph (c) and substituting two new paragraphs as follows—

(b) Any Minister of the Crown charged with the administration of any Act relating to water supply, sewerage or drainage.

(c) Any Minister of the Crown charged with the administration of the Public Works Act, 1902, or responsible for any works which are by virtue of any other Act deemed to be public works for the purposes of that Act. ; and

(ii) by deleting the words “road board”, in line two of paragraph (d), and substituting the words “Commissioner of a municipality”; and

(d) as to the interpretation of the words “Soil erosion”, by adding after the word “works”, being the last word of the section, the

passage “, and includes any deterioration of the soil which may be detrimental to those activities or works and is attributable to salt encroachment”.

4. The principal Act is amended by inserting after section 7 thereof a new section as follows—

Section 7A
added.

7A. (1) The Governor shall, under and subject to the provisions of the Public Service Act, 1904, appoint an officer, to be designated “The Deputy Commissioner of Soil Conservation”.

Deputy
Commis-
sioner.

(2) Where the Commissioner is absent or is temporarily incapable of fulfilling his duties, or where the office of Commissioner has become vacant and has not been filled in accordance with this Act, the Deputy Commissioner of Soil Conservation shall act in the office of the Commissioner during that absence or incapacity or until the vacancy is filled, as the case requires, and while so acting shall—

- (a) have all the powers, functions and authorities; and
- (b) perform and carry out the duties, of the Commissioner under this Act.

5. Section 9 of the principal Act is amended—

Section 9
amended.

- (a) as to subsection (1), by deleting the word “ten”, in line three thereof, and substituting the word “twelve”;
- (b) as to subsection (2),—
 - (i) by inserting after paragraph (d) a new paragraph as follows—
 - (da) one shall be an officer on the staff of the Department of Mines; ;

and

(ii) by inserting after paragraph (ea) a new paragraph as follows—

(eb) one shall be a person nominated on the recommendation of the body known as the Country Shire Councils Association of Western Australia, or, in default of any such recommendation, by the Minister personally as a representative of the interests of local government authorities; ;

and

(c) as to subsection (4), by adding after the word “thereof”, being the last word in the subsection, the words “and one other of such members to be the Deputy Chairman”.

Section 11 amended.

6. Section 11 of the principal Act is amended by deleting the word “six”, in line four, and substituting the word “seven”.

Schedule amended.

7. The Schedule to the principal Act is amended by deleting the item—

Road Districts Act, 1919- 38 of 1919 Vol. 2 of the Reprinted Acts
1943 of the Parliament of
Western Australia.

and inserting in appropriate alphabetical order a new item as follows—

Local Government Act, 84 of 1960 Reprinted with amendments
1960-1973 under the Amendments
Incorporation Act, 1938.

