



Soil and Land Conservation Act 1945

The Soil and Land Conservation Act 1945 (SLCA) relates to the conservation of soil and land resources and to the mitigation of the effects of erosion, salinity and flooding.

The SLCA is administered by the Commissioner of Soil and Land Conservation and operates within the Department of Primary Industries and Regional Development.

The Act at a glance

There are several sections of the Act, that include:

- ✓ Functions and duties of the Commissioner
- ✓ Conservation Covenants and Agreements to Reserve (memorials)
- ✓ Soil Conservation Notices
- ✓ Notice of Intent to Drain or Pump Water
- ✓ Change of Ownership

Functions of the Commissioner

The general functions of the Commissioner include:

- a) prevention and mitigation of land degradation
- b) promotion of soil conservation
- c) encourage and educate landholders and the public generally to utilise land in such a manner as will tend towards the prevention and mitigation of land degradation and the promotion of soil conservation

Duties of the Commissioner

The duties of the Commissioner include:

- a) carrying out of surveys and investigations to ascertain the nature and extent of land degradation throughout the State
- b) investigation and design of preventive and remedial measures in respect of land degradation
- c) dissemination of information with regard to land degradation and soil conservation and reclamation
- d) instruction and supervision of landholders in matters pertaining to soil conservation and reclamation
- e) advising and assistance of landholders whose land has been affected by land degradation
- f) coordination, having regard to the purposes of the Act, of the policies and activities of Government departments and public authorities in relation to any of the foregoing matters, and in regard to the alienation, occupation and utilisation of Crown lands or other lands vested in public authorities
- g) carrying out of works authorised by the Act.

Conservation Covenants and Agreements to Reserve

Landowners who wish to protect and manage native vegetation on their property may enter into an agreement to reserve or a conservation covenant (known as memorials) with the Commissioner of Soil and Land Conservation under s30 of the *Soil and Land Conservation Act 1945*.

These memorials are voluntary written agreements with the Commissioner to manage a specified area of vegetation to retain and promote its growth. They are positive, rather than restrictive and may be in perpetuity or time limited.

They are registered as a memorial on the Certificate of Title for the land and the responsibilities set out in the memorial are passed on to future owners of the land.

Soil Conservation Notices

When the Commissioner is of the opinion that as a result of:

- Any agricultural or pastoral practices or methods;
- Clearing or intended clearing;
- The destruction, cutting down or injuring any tree, grass, shrub or any other plant;
- Or failure on the part of any person to take adequate precautions to prevent or control soil erosion, salinity or flooding;

and where land degradation is occurring or is liable to occur, on any land, the Commissioner may serve on each landowner or each occupier, a notice in writing directing they take action and specifies timeframes for these actions to be done. There are penalties under the act for failure to comply.

As with Conservation Covenants and Agreements to Reserve, a Soil Conservation Notice remains on title and is passed on the future owners of the land.

Notice of Intent to Drain or Pump Water

Soil and Land Conservation Regulations 1992, were introduced to control the drainage of saline land in Western Australia. The regulations require landholders (owner or occupier) intending to drain or pump water from under the land surface and then discharge that water onto other land, into other water or into a watercourse, to notify the Commissioner of Soil and Land Conservation at least 90 days before discharging water. Notice is submitted using the notice of intent to drain or pump water (NOID) form.

Landholders intending to install a desalination plant on their property are required to lodge a Notice of Intent to Pump Water (Desalination) form before proceeding.

These forms can be obtained via the DPIRD website – www.dpird.wa.gov.au.

Change of Ownership

Section 34B of the Act, sets out the responsibilities of a landowner when there is a change in ownership of “affected land”. The Commissioner must be advised within 14 days of settlement of the new owner. The Act states a penalty of \$2000 for failure to provide this information to the Commissioner.

Contact the Office of the Commissioner

Telephone - 08) 9368 3282
Email - commsoil@dpird.wa.gov.au
Website - dpird.wa.gov.au

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