



# Soil Survey Act 1929

Current as at 28 November 1995—revised version

## Reprint note

Powers under the *Reprints Act 1992* have been used in this reprint to bring the legislation into line with current drafting practice.

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Queensland

# Soil Survey Act 1929

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# Soil Survey Act 1929

**An Act relating to the entry of land in Queensland by certain authorised persons for the purpose of making soil surveys in the State**

## 1 Short title

This Act may be cited as the *Soil Survey Act 1929*.

## 2 Definitions

In this Act—

***authorised person*** means a person authorised by the Minister in the prescribed manner, either generally or for any particular purpose, in respect of a soil survey under this Act.

***occupier*** means the person in actual occupation of any land, or, if there is no person in actual occupation, the person entitled to the possession of the land.

***owner*** means the person for the time being entitled to receive the rents and profits of the land, whether on the person's own account or as the agent of or trustee for any other person, or who would be entitled to receive the same if the land were let at a rent, and includes the registered proprietor under the Acts relating to real property and any person seised of the legal estate in land.

***soil survey*** means a soil survey under this Act.

### **3 Powers of entry on land**

- (1) Notwithstanding anything contained in any Act or law or process of law to the contrary, for the purposes of making and carrying out a soil survey, any authorised person shall, at all reasonable times and as often as may be deemed necessary, have the unrestricted right to—
  - (a) enter and re-enter from time to time upon any land with such assistants and any plant and equipment as are required;
  - (b) dig and bore into any land so as to ascertain the nature of the soil in respect of the land;
  - (c) take samples of the soil, earth, gravel, stone, or other material, or water, or of any plant growing on the land, for any purposes, scientific or otherwise, as may be necessary in respect of such soil survey;
  - (d) make any inspection, investigation, or examination, and do all things necessary for the purposes of or incidental to such soil survey.
- (2) Where practicable, reasonable notice shall be given to the owner or occupier of the land by the authorised person of the intention to enter thereon and to exercise the powers conferred under this Act; and the authority under which the person entering claims to enter or has entered shall, if required by such owner or occupier, be produced and shown.
- (3) If any such entry to any land is refused to any authorised person by any occupier or owner of the land concerned, or if upon entry by an authorised person such authorised person is prevented or obstructed from exercising the powers conferred under this Act, any justice, on complaint by such authorised person, may (after reasonable notice in writing of the intention to make it has been given to the occupier or owner), by signed order, require the occupier or owner to permit such authorised person to enter the land, or upon entry by such authorised person upon such land to allow such authorised person to exercise the powers conferred under this Act, as the case may be.

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- (3A) Any such order made by a justice shall continue in force until the necessary purpose has been completed.
  - (3B) Any person who refuses to obey any order of a justice made under subsection (3) shall be liable to a penalty of 1 penalty unit.
  - (4) Any person who wilfully obstructs any person acting under the authority of subsection (1) shall be liable to a penalty of 1 penalty unit
  - (5) All penalties incurred under this Act may be recovered in a summary way on complaint of an authorised person, or any other person named in any authority of the Minister, under the provisions of the *Justices Act 1886*.

#### **4 No action etc.**

- (1) Save as by subsection (2) with respect to payment of compensation, no action, indictment, information, claim, or other proceedings shall be commenced, presented, made, or prosecuted against the Crown or the Minister or an authorised person or any other person for any damage, loss, or expenses occasioned or alleged to be occasioned or in anywise whatsoever arising from the exercise of any of the powers and authorities under this Act.
- (2) However, if in the exercise of any powers under this Act any authorised person has been guilty of negligence in the carrying out of the person's powers and authorities under this Act, whereby actual damage has been caused to the property of the owner or occupier, such owner or occupier may make a claim for compensation to the Minister.
- (3) Such claim shall clearly specify the name and address of the complainant, the name and address of the complainant's solicitor (if any), the nature of the damage complained of and the cause thereof, the total amount of compensation claimed and particulars showing how such amount is arrived at, specifying in each case the exact amount claimed in respect of each particular item.

- (4) The claimant shall also give to the Minister all such further information and particulars relating to the claimant's claim as the Minister reasonably requires.
- (5) The Minister may consider such claim, and may, if in the Minister's discretion the Minister thinks fit, compensate such owner or occupier on such terms as may be mutually agreed upon.
- (6) Moreover the Minister or the owner or the occupier may, if in their discretion it is deemed fit and proper to do so, refer any such claim to any court of competent jurisdiction for hearing and determination.
- (7) In the hearing of such claim for compensation the onus of proving that the damage has been occasioned by the negligence of the authorised person shall lie on the claimant.
- (8) Regulations may be made to give full effect to the objects and purposes of this section.
- (9) In this section—  
*authorised person* includes the authorised person's assistants and workers.

## **5 Regulation-making power**

The Governor in Council may make regulations under this Act.