

136

No. , 1912.

A BILL

To amend the Forestry Act, 1909 ; to amend the Crown Lands and other Acts ; and for purposes consequent thereon or incidental thereto.

[MR. BEEBY ;— , 1912.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Forestry (Amendment) Act, Short title. 1912," and shall be construed with the Forestry Act, 1909, hereinafter referred to as the Principal Act.

2. The following is added to section six of the Principal Act :— Exchange of lands.

10 "Provided that the Minister and the owner of any land purchased or resumed under this section may agree that the compensation for such purchase or resumption shall, in lieu of

an amount of money, be land, or partly money and partly land, in which case the provisions of subsections three, four, five, six, seven, nine, and ten of section twelve of the Public Roads Act, 1902, shall apply, and in applying such subsections, all acts therein directed or authorised to be done by the Minister shall be done by the Secretary for Lands." 5

Amendment of s. 7. **3.** Section seven of the Principal Act is amended by substituting " five years " for " three years."

Amendment of s. 10. **4.** Subsection two of section ten of the Principal Act is amended— 10

- (a) by the omission of the words " State forest or "; and
- (b) by the insertion after the word " subject " of the words " to the approval of the Minister and."

New sections. **5.** The following new sections are inserted next after section ten of the Principal Act :— 15

Existing Crown leases. **10A.** Where any land within a State forest or timber reserve is subject to a lease or license from the Crown other than a lease under this Act, the following provisions shall apply :—

- (a) Such of the powers and authorities as by law may be exercised by a Minister of the Crown in relation to the lease or license shall be exercised exclusively by the Minister administering this Act. 20
- (b) Any payments to the Crown in respect of the lease or license shall be credited in the Treasury to the Department of the Minister. 25
- (c) Where at the time of the dedication of a State forest any such lease or license is in force, the lessee or licensee may, on application made as prescribed within twelve months after such dedication, surrender his lease or license, and shall thereupon be entitled to a lease of the land under this Act for the full term thereby authorised. 30

Power of Minister to lease. **10B.** A lease for grazing, of any land within a State forest, may be granted by the Minister for such term not exceeding twenty-eight years, and subject to such provisions, conditions, and reservations as the Minister thinks necessary in the interests of forestry. Such lease may be granted on application at such rent as the Minister may determine, or, subject to any right conferred by paragraph (c) of the last preceding section, may be disposed of by auction or tender, in which case the rent shall be not less than the upset rent fixed by the Minister. 40

Amendment of s. 12. **6.** Section twelve of the Principal Act is amended by the omission of the word " granted " and the substitution therefor of the words " applied for".

7. (1) Section fourteen of the Principal Act is amended by inserting the following at the end of the first paragraph:—

“or may grant only one license in respect of any such area.

5 “The Minister may also, on application made to him, or by
 auction or tender, and subject to the payment of the prescribed or
 any higher royalty, grant special licenses, subject to such terms
 and conditions as he thinks fit or as may be prescribed, giving the
 holders only the right to take timber or products on any specified
 area not exceeding three thousand acres. In the discretion of the
 10 Minister, it may be a term of any such license that the licensee
 shall, on application in the prescribed manner, be entitled to a
 renewal of the same from year to year.

15 “The Minister may, if he is satisfied that such action is
 desirable in the public interest, suspend the operation of or cancel
 any license granted under this section, and any renewal of such
 license, on one month’s notice of the intention so to cancel being
 given to the holder: Such power of cancellation is in addition
 to, and not in substitution for, any other power of cancellation
 under this Act.”

20 (2) The same section is further amended by adding, at the
 end thereof, the words “or as may be contained in the license.”

8. Paragraph (a) of section sixteen of the Principal Act is amended by inserting after “by auction” the words “or tender.” Amendment of s. 16.

25 9. Section seventeen of the Principal Act is amended as follows:—

(a) At the end of subsection one insert “Provided that the
 Minister may, in his discretion, exempt any such person from
 the provisions of this subsection, on being satisfied that no
 timber which is or has been subject to the payment of
 30 royalty is being or has for the previous three months been
 treated in the sawmill.”

(b) In subsection three omit the first proviso, and omit the word
 “also” in the second proviso.

35 (c) At the end of subsection five add the following proviso:—
 “Provided that this subsection shall not apply to any person
 who proves that he holds an exemption under subsection one
 of this section.”

40 10. The following new section is inserted next after section
 nineteen of the Principal Act:—

19A. Royalty and other revenue collected under this Disposition of
 amount of royalty
 and other revenue.
 Act shall be carried to the Consolidated Revenue Fund:

45 Provided that, during each of the ten years com-
 mencing from the first day of January, one thousand nine
 hundred and thirteen, twenty per centum of the amount of
 such royalty and revenue in such year shall be set apart for
 afforestation

afforestation, reafforestation, for the improvement of State forests and timber reserves, and for the resumption of land for any such purposes.

The sum so set apart in any such year may in such year, but at no other time, be withdrawn from the Consolidated Revenue Fund and expended for the above purposes without any authority other than this Act. 5

A return of any money so expended in any year shall, as soon as practicable after the commencement of the next following year, be laid before both Houses of Parliament. 10

Amendment of s. 20.

11. Section twenty of the Principal Act is amended as follows:—

(a) In paragraph (a) of subsection one, after “permit” when first occurring, insert the words “to use water from natural supplies, and” 15

(b) In paragraph (b) of subsection one insert before “charcoal-burning” the words “pit-sawing.”

(c) At the end of subsection five insert the words “The exercise of any rights conferred by any such permit shall be subject to the terms imposed by the permit” 20

12. Section twenty-one of the Principal Act is repealed and the following is inserted in its place:—

21. (1) No trees, saplings, or native vegetation on any State forest, timber reserve, or Crown lands, with the exception of lands held under conditional lease applied for or granted before the commencement of this Act, shall be ringbarked or otherwise destroyed except— 25

(a) in pursuance of a permit to ringbark or destroy granted under this section; or

(b) in pursuance of a permit to ringbark granted before and in force at the commencement of this Act; or 30

(c) in pursuance of an authority to ringbark contained in a Crown lease granted before and in force at such commencement; or

(d) in pursuance of conditions or provisions inserted with the concurrence of the Minister under this Act in a Crown lease granted after such commencement. 35

(2) Permits to ringbark or otherwise destroy trees, saplings, and native vegetation may be granted by the Minister, or by some person authorised by him in that behalf, in respect of such land for such period as may be thought fit, and shall be subject to such conditions as may be prescribed, or as may be contained in the permit.

(3) Any person who ringbarks or otherwise destroys any trees, saplings, or native vegetation in contravention of this section 45

Trees not to be ringbarked or destroyed unless duly authorised.

section, or knowingly causes or suffers the same to be done, shall be liable to a penalty not exceeding ten shillings in respect of every tree or sapling and not exceeding one shilling for every other plant of native vegetation so ringbarked or destroyed.

5 **13.** The following subsection is added to section twenty-two of the Principal Act :— Amendment of s. 22.

(3) The following amendments are also made in the said section as amended by subsequent Acts :— Further amendments to s. 98 of Crown Lands Act of 1884.

10 (a) In paragraph one, after "special leases" insert the words "authorising the removal of material."

(b) In paragraph two, after "forest reserve" insert the words "or a State forest proclaimed under the Forestry Act, 1909."

15 (c) In that part of paragraph three which was inserted by the Schedule to the Crown Lands (Amendment) Act, 1908, omit the words "free of charge," within brackets, and insert in lieu thereof the words "free of any charges other than those imposed under the Forestry Act, 1909."

20 **14.** Sections twenty-three and twenty-four of the Principal Act are amended by inserting the word "leases" after the word "rights" wherever that word occurs in those sections. Amendment of ss. 23 and 24.

15. The following section is inserted next after section twenty-four of the Principal Act :—

25 24A. The Minister may, in his discretion, require a deposit of an amount not exceeding ten pounds before granting or renewing a timber-getter's or other license (not being a special license), under section fourteen, and a deposit of an amount not exceeding fifty pounds before granting or renewing a special license under section fourteen, or an exclusive right or a sawmill license. Such amount shall be retained by the Minister until the determination of the license or right, or the renewal thereof, to answer for any contravention of the terms and conditions thereof. Deposit may be required by Minister.

30 **16.** Section twenty-five of the Principal Act is amended as follows :— Amendment of s. 25.

35 (a) After "right" wherever it occurs in the section insert the word "lease."

(b) After "heard" insert the words "either before the Minister or before a tribunal appointed by him."

40 (c) Before "license" where lastly occurring in the section insert the words "right, lease."

17. (1) The following paragraphs are inserted next after the first paragraph of section twenty-seven of the Principal Act :—

45 "Any member of the police force or any person authorised by the Minister to act under this section may require any person conducting a sawmill, or taking delivery of timber, to produce Inspection and seizure of books and records.

any books and records prescribed by this Act or the regulations to be kept, and may inspect the same and take copies thereof; and for the purpose aforesaid may enter any land."

"He may also, if he reasonably suspects that any person has cut, removed, or otherwise dealt with any timber or products contrary to the provisions of this Act or the regulations, seize and detain any books and records relating to any timber or products, but in such case he shall take prompt measures to prosecute any person so suspected, or return the books and records so seized."

(2) The second paragraph of the same section is amended by inserting after "such person" the words "or any member of the police force."

Amendment of s. 29 (1).

18. Subsection one of section twenty-nine of the Principal Act is amended as follows:—

- (a) In paragraph (a), after "rights" insert "leases." 15
- (b) After paragraph (c) insert new paragraph:—
 - (c i) Prescribing the fees to be paid and the deposits to be lodged with applications under this Act.
- (c) At the end of paragraph (g) insert the words "or which could be used for placing on timber a brand or mark which by the regulations is directed or authorised to be so placed by any such officer, or any brand or mark so nearly resembling such brand or mark as to be calculated to deceive." 20
- (d) In paragraph (i) omit "owners or lessees of" insert the words "persons conducting." 25
- (e) In paragraph (j), after "obtained" insert the words "taken delivery of."
- (f) At the end of paragraph (k) insert the words "or timber reserves, and prohibiting the carrying or use of firearms, and regulating or prohibiting the use of traction engines in State forests or timber licenses." 30

Amendment of s. 31.

19. Section thirty-one of the Principal Act is amended as follows:—

- (a) In paragraph (a), after "timber," insert the words "trees, saplings, or native vegetation"; 35
- (b) at the end of the section add the words:—"Such penalty and liability shall be in addition to any penalty or fine to which such person may be liable under the terms of any lease, or under the terms of any license, or right under this Act."

Penalty for making false entry or return.

20. The following section is inserted next after section thirty-one of the Principal Act:—

31A. Whosoever makes or causes to be made in any book directed by this Act, or regulations to be kept, any false entry, or makes or causes to be made any return directed by this Act, or the regulation to be made which is false in any material particular, shall be liable to penalty not exceeding *one hundred* pounds. 45

Amendment of s. 33.

21. Section thirty-three of the Principal Act is amended by inserting after "officer" wherever that word occurs the words "or employee."