

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

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.

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:—

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

- (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 to"

3.

3. The following new sections are inserted to be read New sections. immediately after section ten of the Principal Act :—

10A. Where any land within a State forest is subject to a Existing Crown lease or license from the Crown other than a lease under this leases. 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.
- (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.
- (c) Where at the time of the dedication of the State forest 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.

10B. A lease for grazing and other purposes, of any land Power of Minister to lease. 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 paragraph (c) of the last preceding section, may be disposed of by auction or tender at a rent not less than the upset rent fixed by the Minister.

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

5. (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.

"The Minister may grant licenses applicable to timber or products on any specified area by auction or tender, and subject to the payment of the prescribed or any higher royalty. In the discretion of the 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 for any term not exceeding twelve months.

"The Minister may cancel any license granted under this section on one month's notice of the intention so to cancel being given by him or by any person authorised by him to the holder thereof".

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

6.

6. The following is added to section six of the Principal Act:—

“Compensation for any land so resumed shall, on the recommendation of the Minister and with the consent of the owner, be made either in money or in land, or partly in money and partly in land. For that purpose the provisions of sections twelve, fourteen, and fifteen of the Public Roads Act, 1902, shall, mutatis mutandis, apply to resumptions under this Act.”

Exchange of lands.

7. 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 round, hewn, or split timber is being or has for the previous twelve months been treated in the sawmill.”
- (b) In subsection three omit the first proviso, and omit the word “also” in the second proviso.
- (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.”

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

19A. Royalty collected under this Act shall be carried to the Consolidated Revenue Fund: Provided that, during the ten years commencing from the first day of January, one thousand nine hundred and thirteen, ten per centum of the amount of such royalty shall be set apart and expended in afforestation, reafforestation, and for the improvement of State forests and timber reserves.

Disposition of amount of royalty.

9. Subsection one of section twenty-one of the Principal Act is amended by the insertion after the words “conditional lease” of the words “applied for or.”

Amendment of s. 21.

10. Sections twenty-three and twenty-four of the Principal Act are amended by inserting the word “leases” before the word “licenses” wherever that word occurs in those sections.

Amendment of ss. 23 and 24.

11. Section twenty-five of the Principal Act is amended—

Amendment of s. 25.

- (a) by the insertion after the word “right” wherever it occurs in the section of the word “lease”;
- (b) by the insertion after the word “heard” of the words “either before the Minister or before a tribunal appointed by him.”
- (c) by the insertion before “license” where lastly occurring in the section, of the words “right, lease.”

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

“Any member of the police force or any person authorised by the Minister to act under this section may require any person conducting

Inspection and seizure of books and records.

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conducting a sawmill, or taking delivery of timber, to produce 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 such books and records, 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."

13. Subsection one of section twenty-nine of the Principal Act is amended as follows:— Amendment of s. 29 (1).

- (a) In paragraph (a) after "rights" insert "leases."
- (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) In paragraph (i) omit "owners or lessees of" insert the words "persons conducting."

14. Section thirty-one of the Principal Act is amended by adding at the end thereof 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 license." Amendment of s. 31.

