

37

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1918.

A BILL

To amend the Forestry Act, 1916, and the Forestry (Temporary Commissioners) Act, 1916; 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, 1918." Short title,

2. The Forestry Act, 1916, is amended as follows :— Amendments
of Forestry
Act, 1916.

- (i) In section four—
 - (a) by the omission of the definition of “exclusive rights”; and
 - (b) by the insertion of the following definition :
“stock” means any horses, cattle, sheep, goats, camels, or dromedaries.”
- (ii) In section five—
 - (a) subsection three, by the insertion after the word “creditors” of the words “or absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor, which leave he is hereby authorised to grant”; and
 - (b) by the addition of the following subsection:—
 - (6) In case of the illness, suspension, or absence of any commissioner, the Governor may appoint some person to act as the deputy of such commissioner during such illness, suspension, or absence; and every person so appointed shall, while so acting, have all the powers and perform all the duties of such commissioner.

If under this subsection one of the commissioners is appointed to act as deputy of the chief commissioner, the Governor may appoint a deputy of such commissioner.
- (iii) In section nine by omitting the words “and timber reserves.”
- (iv) In section ten, subsection (one), by omitting the words “on forest work.”
- (v) In section eleven—
 - (a) in subsection one, by omitting the words “or timber reserve,” and inserting in lieu thereof “or with the concurrence of the Secretary for Lands, on any Crown lands.”
 - (b) In paragraph (d) of the same subsection, by omitting the words “the transport of timber,” and inserting in lieu thereof the words

39

words "forestry purposes," and by inserting after the word "Purchase" the word "construct."

(c) by adding the following paragraph (f) to the subsection :—

"(f) permit the removal from any State forest of any stone, sand, clay, gravel, lime, shell, or other similar material, and of any fencing, building, or other improvement"; and

(d) by adding the following subsection :—

(3) The commission may sell or otherwise dispose of any part of lands purchased, resumed, or appropriated for State forest purposes.

(vi) In section thirteen by omitting subsection two and inserting in lieu thereof the following subsection :—

(2) One half of the gross amount received by the commission from royalties, licenses, leases, and permits, and one half the net amount received from the sale of timber, land, products, or stock, shall be carried to a special account in the Treasury and shall be set apart for forestry purposes. The sum so set apart in any year may, during that and the next succeeding year, but at no other time, be withdrawn from the Consolidated Revenue Fund and be expended under the control of the commission without any authority other than this Act. A return of any money so expended in any year shall as soon as possible after the commencement of the next succeeding year be laid before both Houses of Parliament.

(vii) In section eighteen, subsection one, by omitting the word "Governor" and inserting in lieu thereof the word "Minister."

(viii) In section nineteen—

(a) by omitting in paragraph (a) the word "Governor" and inserting in lieu thereof the words "Minister on the recommendation of the commission"; and (b)

Forestry (Amendment).

- (b) in paragraph (b) by omitting the word "Governor" and inserting in lieu thereof the word "Minister"; and by omitting the words "become Crown land," and inserting the words "unless otherwise declared by notification in the Gazette become Crown land reserved from sale."
- (ix) In section twenty-two—
 - (a) by omitting the word "Governor" and inserting in lieu thereof the word "Minister";
 - (b) by omitting the words "on the recommendation of the Minister, and";
 - (c) by inserting before the word "revoke" the words "may on the recommendation of the commission"; and
 - (d) by inserting in the second paragraph after the words "become Crown lands" the words "reserved from sale."
- (x) In section twenty-three by omitting the words "under this Act," and inserting the words "with the approval of the commission" in lieu thereof.
- (xi) By omitting the whole of section twenty-four.
- (xii) In section twenty-five—
 - (a) in the first proviso to subsection one by omitting the words "Provided that";
 - (b) in the same proviso, by omitting the words "such lease or license" and substituting therefor the words "a lease or license within a State forest"; and by omitting the words "current at the time aforesaid" and substituting therefor the words "for which it was granted";
 - (c) in the second proviso to the same subsection by omitting the words "Provided also that";
 - (d) in the same proviso by omitting the words "such leases or licenses" and substituting therefor the words "leases or licenses within State forests";

(e)

- (e) in the last paragraph of the same subsection by omitting the words "this proviso" and substituting therefor the words "the above provision";
- (f) in subsection two by omitting the word "such"; and
- (g) by omitting subsection three and substituting therefor the following subsection:—
- (3) Money payable as rent under any lease or license within a State forest shall be received by or credited to the commission.
- (xiii) In section twenty-six—
- (a) in subsection one by omitting the words "or timber reserve";
- (b) by omitting the whole of subsection three; and
- (c) in subsection four by inserting after the word "issued" wherever occurring the words "or renewed."
- (xiv) In section twenty-seven—
- (a) by omitting the words "or an exclusive right under the same Act," and by omitting the words "timber reserve";
- (b) by inserting after paragraph (b) the following paragraphs:—
- "(b1) digs for, extracts, obtains, or removes from any State forest any stone, clay, sand, gravel, lime, shell, or other similar material; or
- "(b2) removes from any State forest, or damages thereon any fencing, building, or improvements;" and
- (c) by adding to the section the following:—
- "The amount thereof shall be paid into the Consolidated Revenue Fund to the credit of the Forestry Commission."
- (xv) In section twenty-eight, subsection three, by inserting after the word "issued" the words "or renewed," and by inserting after the word "commission" the words "or by any person authorised in that behalf by the commission."
- (xvi)

- (xvi) In section thirty-one—
- (a) by omitting the first paragraph of subsection two;
 - (b) in the second paragraph of subsection two by inserting after the word “lease” when first occurring the words “or permit”; and
 - (c) in subsection three by omitting the words “or timber reserve.”
- (xvii) In section thirty-two—
- (a) by omitting in subsection one the words “horses or cattle” and inserting the word “stock” in lieu thereof;
 - (b) by omitting in the same subsection the words “or timber reserve”;
 - (c) in subsection two by omitting the words “timber reserve”;
 - (d) in subsection two, paragraph (d), by inserting after the word “license” the word “permit”; and
 - (e) in the same subsection by inserting after the word “ringbarked” the words “or otherwise killed or destroyed.”
- (xviii) In section thirty-six by omitting the words “or timber reserve.”
- (xiv) by inserting after section thirty-six the following sections:—

36A. Whenever a boundary or part thereof of any land held under lease, license, or permit under this Act is fenced by the holder thereof such holder may demand and enforce from the owner, holder, lessee, or occupant of the adjoining land a contribution towards the cost of such fencing to the extent of one half the value thereof, but so far only as such fencing forms a common boundary fence, and while such fencing is maintained in good repair and condition by such holder, every owner, holder, lessee, or occupant of adjoining lands shall be and remain liable as a contributory toward the cost of so maintaining such fence to the extent of one half of the estimated cost thereof:

Provided

Provided that no holder or occupier of any lease having less than five years to run shall be liable as a contributory under this section towards the original cost of fencing, but shall be liable as a contributory towards the cost of maintaining such fencing.

For the purpose of this section the words "holder, owner, lessee, or occupant" shall include successors in title.

36B. The commission shall have power to hear and determine all disputes and claims as to fencing or improvements, and to determine all values and estimate all costs, and the adjudication of the commission shall in all cases be final and conclusive.

36C. Unless exempted by the Forestry Commission, no native timber shall be exported from the State of New South Wales until inspected, branded, and certified to by an authorised officer of the Forestry Commission.

- (xx) In section thirty-eight, subsection one, paragraph (b), after the word "thereof" by addition of the following proviso:

"Provided that the finding of any timber and products within such lands or buildings shall be prima facie evidence of such person having taken delivery of such timber and products."

- (xxi) In section forty, paragraph (a), by omitting the word "or" and inserting the word "and" in lieu thereof; and in paragraph (b) by omitting the words "establish or approve of the establishing by the commission" and inserting the words "the Commission may approve of the establishment."

- (xxii) In section forty-one—

- (a) by omitting in paragraph (o) the words "and timber reserves" wherever occurring; and
(b) by omitting in paragraph (p) the words "or timber reserves."

(xxiii)

-
- (xxiii) In section forty-three, subsection one, paragraph (a), by omitting the words "a timber reserve."
 - (xxiv) In section forty-six by omitting the words "or timber reserve" and inserting the words "or any payments incurred under any decision of the commission" in lieu thereof.

*Amendment of the Forestry (Temporary Commissioners)
Act, 1916.*

Subsection two of section two is amended by omitting all the words after "Chief Commissioner" and inserting the following in lieu thereof: "but one or both of such honorary assistant commissioners shall relinquish office on the appointment of one or both of the above-mentioned two other commissioners respectively."
