

No. , 1899.

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## A BILL

To regulate and license the taking of timber, bark, products, and material from and the mining on certain lands; to provide for the granting of certain grazing leases and grazing and occupation authorities; to provide for the dedication of land as a State forest and its reservation for the preservation of timber; to amend section ninety-eight of the Crown Lands Act of 1884, and for purposes incidental to or consequent on the above objects.

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**B**E it enacted by the Queen'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:—

*Dedication and reservation.*

1. (1) The Governor, by notice in the Gazette, may dedicate any Crown land as a State forest.

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lands for State  
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Upon dedication as aforesaid such land shall cease to be Crown land within the meaning of any Act.

(2) Such dedication shall cancel any then existing lease, license, or promise of lease from the Crown of any land so dedicated. Cancellation of lease, &c.

But the holder of such lease, license, or promise of lease shall be entitled to an abatement of rent to become due, and a refund of any rent from the day of the dedication paid to the Crown in respect of the said land, and shall be entitled to be paid out of the Consolidated Revenue Fund the value of any improvements belonging to him on the said land, such value to be appraised in accordance with section six of the Crown Lands Act of 1889.

2. The Governor, by notice in the Gazette, may for the preservation of timber temporarily reserve from sale any Crown land, and may revoke or alter, in whole or in part, any such reservation or any reservation made before the commencement of this Act of land for a forest or timber reserve, or for the preservation and growth of timber, or for any purpose connected therewith. Reservation from sale of Crown lands.

Where any reservation of any land is so revoked, the land shall not be sold before the expiration of sixty days after such revocation.

*Grazing leases of land dedicated or reserved.*

3. Leases for grazing purposes of any land dedicated under this Act or of any land (not being land under lease, license, or promise of lease from the Crown) reserved from sale under this Act or comprised within a timber reserve notified before the commencement of this Act, may be granted for such term, not exceeding twenty-one years, and subject to such conditions and at such rent as the Minister thinks fit. Grazing lease of land dedicated or reserved.

*Licenses.*

4. Licenses may be granted to cut and remove live and dead timber, to strip and remove wattle and other bark, to extract and remove products, or to dig for, obtain, and remove any material on land mentioned in the license, and being— Licenses to cut timber, strip bark, and obtain stone, &c.

(a) land dedicated under this Act; or

(b) Crown land reserved from sale under this Act or comprised within a timber reserve notified before the commencement of this Act; or

(c) other Crown land not under conditional lease:

Provided that a license may be granted with respect to Crown land under conditional lease where the holder of such lease consents.

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In each license shall be set forth the things which may be done under the license, and the license shall be an authority for doing those things only, and except in the case of the exclusive license hereinafter mentioned, such things may only be done by the lawful holder of the license.

An exclusive license may be granted in respect of any land described in subsection (a) or subsection (b) of this section, and such license shall confer on the lawful holder thereof, his servants and agents, an exclusive authority to do the things therein set forth on the land mentioned in the license, and no one other than such holder, or his servants or agents, shall during the currency of the license have authority to do those things or any of them. But an exclusive license shall not be granted for a period exceeding fifteen years nor in respect of an area exceeding twenty thousand acres. Exclusive licenses.

5. Where the Minister notifies in the Gazette that any land dedicated under this Act is open to mining for any metal or mineral therein mentioned, licenses may be granted which shall entitle the lawful holder thereof, his servants and agents, subject to any special provisions and conditions contained in the license and to the regulations, to enter and occupy such land and to mine for any such metal or mineral, and do all things necessary for such mining on such land. Licenses for mining.

Any notification under this section may be altered or revoked by notice by the Minister in the Gazette.

6. In section ninety-eight of the Crown Lands Act of 1884, unless the context otherwise indicates, the word "material" shall include timber and products, and the expressions "authorised persons" and "persons duly authorised" shall include persons authorised by licenses granted in pursuance of this Act. Definitions of "material" and "authorised persons" in s. 98 of Crown Lands Act of 1884.

#### *Authorities.*

7. An authority (hereinafter in this Act called a grazing authority) may be granted to the lawful holder of a license granted in pursuance of this Act, which authority shall entitle such holder to graze any number of horses or cattle, to be specified in the authority, used or required in connection with a saw-mill, or carrying timber, bark, products, or material obtained in pursuance of the license on and over the land mentioned in the license, or any part thereof specified in the authority, being land— Grazing authorities.

(a) dedicated under this Act; or

(b) reserved from sale under this Act, or comprised within a timber reserve notified before the commencement of this Act (whether such land is held under lease or license from the Crown or is not so held).

The granting or use of a grazing authority shall not affect any lease, license, or promise of lease from the Crown of the land in respect of which the authority was granted or is used, and shall not entitle the holder of the lease, license, or promise of lease to any compensation except as hereinafter in this section provided.

The Crown shall pay to the holder of a lease, license, or promise of lease of any land in respect of which a grazing authority has been granted the amount of the fees received for the exercise on such land of the powers conferred by the authority.

8. An authority (hereinafter in this Act called an occupation authority) may be granted to the lawful holder of a license granted in pursuance of this Act, which authority shall entitle such holder to occupy for the purpose of quarrying, or as the site of a saw-mill, brick-making establishment, limekiln, tramway, building, or structure to be used for or in connection with the obtaining, carrying, cutting, working, storing, or treating timber, bark, products, or material obtained in pursuance of the license, the land mentioned in the license or any part thereof specified in the authority being land—

- (a) dedicated under this Act; or
- (b) reserved from sale under this Act, or comprised within a timber reserve notified before the commencement of this Act; or
- (c) not so dedicated or reserved; and
  - (i) being vacant Crown land; or
  - (ii) being land held from the Crown under lease, license, or promise of lease.

The grant of an occupation authority shall cancel any then existing lease, license, or promise of lease from the Crown of any land in respect of which the authority has been granted.

But the holder of such lease, license, or promise of lease shall be entitled to an abatement of rent to become due, and a refund of any rent from the time of the grant of the authority paid to the Crown in respect of the said land, and shall be entitled to be paid out of the Consolidated Revenue Fund the value of any improvements belonging to him on the said land, such value to be appraised in accordance with section six of the Crown Lands Act of 1889.

*General provisions and penalties.*

9. (1) Leases under this Act may be granted by the Minister. Licenses and authorities under this Act may be granted by the Minister, or in the name of the Minister by any person authorised by him in that behalf in writing under his hand or by notification in the Gazette.

Such licenses and authorities shall be in the form and shall have effect for the respective terms prescribed by the regulations, and may contain such special provisions and conditions as the Minister may think fit to insert.

(2) Except with the consent of the Minister such licenses and authorities shall not be transferable, and a license or authority transferred in contravention of this provision shall confer no rights on the holder of the same.

10. For the purpose of regulating the granting licenses and authorities under this Act, the Minister may, by notification in the Gazette, classify lands and direct that certain lands or descriptions or classes of lands or certain descriptions of timber trees shall be available only for certain descriptions of licenses or authorities, or shall be exempt from certain licenses and authorities or from all licenses and authorities, and any grant of a license or authority made in contravention of any direction of the Minister so notified shall have no effect.

11. If the holder of a lease, license, or authority under this Act contravenes or fails to comply with any provision or condition made

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made or contained in this Act or the regulations, or in the lease, license, or authority, or if the Minister, after causing inquiry to be made, and after affording the holder of the lease, license, or authority an opportunity to be heard, is of opinion that such lease, license, or authority is not held or used bona fide for the purpose for which it was granted, or if the Minister is of opinion that the exercise of the powers conferred by any such license (not being an exclusive license) or any authority would be contrary to the interest of the public, the Minister may notify in the Gazette that such lease, license, or authority, and the same shall thereupon or at such future time as the Minister may fix in such notification, be forfeited and cancelled.

12. Any person who (except in pursuance of a lease, license, or <sup>Penalties.</sup> authority under this Act), or any other lease, license, or promise of lease from the Crown, except in pursuance of any other lease or promise of a lease from the Crown,—

- (a) cuts, strips, removes, destroys, or damages any live or dead timber or any wattle or other bark ; or
- (b) digs for, extracts, obtains, removes, destroys, or damages any product or material ; or
- (c) occupies such land, or any part thereof, for any purpose ; or
- (d) grazes any horses, cattle, or sheep ; or
- (e) causes any of the things aforesaid to be done

on any land dedicated or reserved under this Act, or comprised within a timber reserve notified before the commencement of this Act, or on any Crown land, shall be liable to a penalty not less than *one* pound nor more than *twenty* pounds for each offence, and in addition shall be liable for any loss or damage caused by the offence. Such loss or damage may be recovered by the Minister, or any person authorised by him in writing under his hand, in any court of competent jurisdiction as a debt due to Her Majesty.

*Supplemental.*

13. The Governor, subject to the provisions of this Act, may <sup>Regulations.</sup> make regulations—

- (a) prescribing the fees, charges, royalties, and rents payable for the exercise of the powers conferred by licenses and authorities granted in pursuance of this Act, and the periods for which and the conditions under which licenses and authorities may be granted ; and the Governor may, in prescribing those fees, charges, royalties, rents, periods, and conditions, have regard to the land in respect of which and the purposes for which any lease, license, or authority may be applied for, or the timber, bark, products, or material in respect of which any license may be applied for ;
- (b) prescribing the forms of leases, licenses, and authorities under this Act, and the provisions and conditions to be inserted in the same ;
- (c)

(c) regulating the exercise of the powers conferred by any license or authority granted in pursuance of this Act and any matters incidental thereto, including the protection and preservation of timber and other growth on land subject to such license or authority, and regulating the cutting, marking, and removing of timber under a license; and

(d) generally for carrying out the provisions of this Act.

And may in those regulations impose a minimum and maximum penalty not exceeding *one* pound and *twenty* pounds respectively for any breach of the same or any contravention or failure to comply with any provision or condition contained in a lease, license, or authority under this Act.

All such regulations shall be published in the Gazette, and shall thereupon have the force of law, and shall within fourteen days after such publication, or, if the Parliament is not then sitting, within fourteen days after the next meeting of Parliament, be laid on the Table of each House of Parliament.

14. Any member of the police force or person authorised by the Minister in that behalf may seize any timber, bark, products, or material in respect of which a contravention of this Act or the regulations or any provisions or conditions of a lease, license, or authority granted in pursuance of this Act has been committed, or is reasonably suspected by such member of the police force or person aforesaid to have been committed, and the tools and implements used or which he reasonably suspects to have been used in such contravention. Seizure and forfeiture of timber, bark, products, and material.

If any timber, bark, products, or material, or any tools or implements, so seized are not claimed by any person within fourteen days after notice of the seizure has been posted at the court of petty sessions nearest to the place where the seizure was made, or if any person is convicted of any such contravention as aforesaid, the timber, bark, products, or material, and the tools and implements shall be forfeited to Her Majesty.

Any timber, bark, products, material, tools and implements forfeited in pursuance of this Act may be sold or otherwise disposed of as the Minister may direct, and the proceeds of any such sale shall be paid to the Treasury and carried to the credit of the Consolidated Revenue Fund.

15. Any member of the police force, or person authorised by the Minister in that behalf, may impound any horses or cattle trespassing on any land dedicated under this Act; and for the purpose of carrying out this provision a member of the police force or such person shall have the same powers as if he were an occupant within the meaning of the Impounding Act, 1898, and the said horses or cattle were trespassing on his land. Impounding of stock trespassing on land dedicated.

16. Any fees, charges, or royalties imposed by this Act or the regulations may be recovered on behalf of Her Majesty by the Minister or any person authorised by him in writing under his hand in any court of competent jurisdiction as a debt due to Her Majesty. Recovery of fees, charges, and royalties.

17. Any penalties imposed by this Act or the regulations may be recovered, and all timber, bark, products, material, tools and implements liable to be forfeited under this Act may be forfeited in a summary way before a court of petty sessions. Prosecution of offences and forfeitures.

18. Sections one hundred and twelve to one hundred and sixteen, both inclusive, of the Crown Lands Act of 1884, and so much of Repeal.  
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section one hundred and thirty-three of the same Act as relates to the cutting and removing of timber, the obtaining of stone, and the stripping and removing of bark, are hereby repealed.

19. In this Act—

“Crown land” means land vested in Her Majesty and not permanently dedicated to any public purpose or granted or lawfully contracted to be granted in fee-simple; Definitions.

“material” means stone, earth, gravel, shells, and other similar matter;

“products” means products of growing timber, trees, or shrubs, and includes gums and resins;

“the regulations” means the regulations made under this Act.

20. This Act shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred, in this Act referred to as the commencement of this Act, and may be cited as the “Forestry Act, 1899.” Commencement and short title.