

No. , 1899.

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## A BILL

To regulate the taking of timber, bark, products, and material from and the mining on certain Crown lands and lands dedicated or reserved for the preservation of timber or any similar purpose; to provide for the granting of grazing leases and authorities in respect of any such lands; to provide for the dedication of land as a State forest and its reservation from sale for the preservation of timber, 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. The Governor, by notice in the Gazette, may dedicate any Crown land as a State forest.

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Dedication of Crown  
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; and where such land or any part thereof is subject to any annual or pastoral lease, or promise of such lease, or any occupation license, the said land or the said part thereof shall be withdrawn from such lease or license, or promise of such lease.

But the holder of such lease or license, or promise of such lease shall be entitled to a refund of any rent paid in respect of the said land from the day of the dedication paid to the Crown, 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.

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.*

3. Subject to this Act leases for grazing purposes of any land dedicated under this Act and any land (not being land under lease or 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.

*Licenses and authorities.*

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, and to dig for, obtain, and remove any material, or to do any of the above things on land mentioned in the license, and

(a) dedicated under this Act; or

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

(c) being other Crown land not under conditional lease:

Provided that the license may have effect with respect to Crown land under conditional lease where the owner 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 land described in subsections (a) or (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, in which case 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, subject to the provisions and conditions of 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. An authority may be granted to the lawful holder of a license granted in pursuance of this Act, which authority shall entitle any such holder of such license to graze any horses or cattle used or required in connection with a saw-mill, or carrying timber, bark, products, or material obtained in pursuance of the license on any land mentioned in the license and dedicated under this Act, or 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. Grazing authorities.

The granting or use of a grazing authority shall not affect any lease or license from the Crown of the land in respect of which the authority was granted or is used, and shall not entitle the lessee or licensee to any compensation except as hereinafter in this section provided. Where any land in respect of which a grazing authority has been granted is under lease or license from the Crown, the Crown shall pay to the lessee or licensee the amount of the fees, charges, royalties, and rents received for the exercise on such land of the powers conferred by the authority.

7. An authority may be granted to the lawful holder of a license granted in pursuance of this Act, which authority shall entitle any such holder to occupy as a quarry, or as the site of a saw-mill, brick-making establishment, limekiln, tramway, building, or structure Occupation authorities.

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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, any land mentioned in the license and—

- (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 pastoral or annual lease or occupation license.

The granting of an authority in pursuance of this section shall cancel the lease or license from the Crown off any land in respect of which the authority has been granted, from the time of the granting of the authority.

8. In section ninety-eight of the Crown Lands Act of 1884, the word "material" shall include timber and products, and the expressions "authorised persons" and "persons duly authorised" shall include persons authorised by license granted in pursuance of this Act.

Definitions of "material" and "authorised persons" in s. 98 of Crown Lands Act of 1884.

*General provisions.*

9. Leases under this Act shall 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.

Mode of granting licenses and authorities

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

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

Classification of lands for purposes of licenses and authorities.

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

Forfeiture of lease, license, or authority.

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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 that the exercise of the powers conferred by any such license or 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.

*Supplemental.*

12. The Governor may, subject to the provisions of this Act, Regulations.  
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 licenses and authorities and the conditions under which leases, licenses, and authorities will 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 any lease, license, or authority, 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 granted in pursuance of this Act, and the provisions and conditions to be inserted in the same;
- (c) regulating the exercise of the powers conferred by any license or authority granted in pursuance of this Act and 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 granted in pursuance of this Act.

13. Any person who (except in pursuance of a lease, license, or Penalties.  
authority under this Act) on or in any land dedicated or reserved under this Act, or comprised within a timber reserve notified before the commencement of this Act, or (except in pursuance of any other lease  
or

or promise of a lease from the Crown) on any other Crown land does or causes to be done any of the following things, namely,—

- (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 who (except in pursuance of a lease, license, or authority under this Act) on any land dedicated under this Act—

- (d) grazes any horses, cattle, or sheep,

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.

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 so seized is 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 shall be forfeited to Her Majesty.

Any timber, bark, products or material 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 or disposal shall be paid to the Consolidated Revenue Fund.

15. 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.

16. Any penalties imposed by this Act or the regulations may be recovered, and all timber, bark, products, and material liable to be forfeited under this Act may be forfeited in summary way before a stipendiary or police magistrate or any two justices of the peace in petty sessions.

Prosecution of offences and forfeitures.

17. Sections one hundred and twelve to one hundred and sixteen, both inclusive, of the Crown Lands Act of 1884, and so much of section

Repeal.

section

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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.

18. In this Act—

“Crown lands” means lands 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” includes stone, earth, gravel, shells, and other similar matter;

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

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

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