

60° VICTORIA, 1896.

A BILL

To regulate State forests and timber reserves; to provide for the granting of licenses in respect of timber, trees, bark, gums, stone, and other materials and things on State forests, timber reserves, and Crown lands; to repeal sections 113, 114, 115, and 116 of the Crown Lands Act of 1884; and for other purposes.

BE 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:—

The granting of licenses.

1. Licenses may be granted on application to the Minister or to some person authorised by him in that behalf by notification in the *Gazette*—

- (a) to cut and remove live and dead timber, trees, and undergrowth; or
- (b) to strip and remove wattle and other barks, or to extract and remove gums and saps from timber and trees; or
- (c) to dig for and remove stone, clay, gravel, shells, and other material

on and from State forests, timber reserves, and Crown lands. And the Minister may, by notification in the *Gazette*, classify any land for the purposes of licenses under this Act.

Minister may grant licenses, and fix fees, charges, and royalties, subject to regulations.

Forests and Quarries.

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But no licenses shall be granted in respect of any land, timber, stone, or other material or thing that the Minister may, by notification in the *Gazette*, declare to be exempt from general or exclusive licenses: Provided that the Minister may grant specific licenses in respect of land, timber, stone, or other material or thing exempted as aforesaid, and may, by notification as aforesaid, revoke or vary any notification made by him under this section.

2. (I) A license granted under this Act may be of one of the three following kinds, namely—

The different kinds of licenses: Conditions and effect of licenses.

- (a) a general license to be exercised on land specified in the license, and to be granted for a term of one month, or any period not longer than one year; or
- (b) an exclusive license to be exercised by the licensee exclusively of any other persons on land specified as aforesaid, and to be granted for any term up to fifteen years; or
- (c) a specific license limited to certain trees or to a certain number of trees, or to certain stone or other material or thing specified in the license, and granted for any term mentioned in the license.

Licenses shall be in the forms prescribed, and shall take effect on the days prescribed, and the fees and charges for the same shall be paid monthly in advance.

Licenses shall not be transferable except with the consent of the Minister.

(II) The licensee may also be empowered in writing by the Minister or by any person authorised by him in that behalf by notification in the *Gazette* to occupy during the currency of his license any State forest, timber reserve, or Crown land for the purpose of carrying out the objects of his license, or for erecting and working saw-mills, or for grazing, at such times and subject to such conditions as the Minister may think fit to prescribe, his working cattle and horses.

Licensee may occupy land in connection with his license.

(III) Licenses shall be subject to the conditions imposed by regulations made under this Act, and any special conditions contained in the licenses, and on breach of any of those conditions may be forfeited by the Minister: Provided that the only regulations to which an exclusive license shall be subject shall be those in force on the day when the license was granted.

Licenses to be subject to conditions.

Supplemental and repeal.

3. The Governor may make regulations—

Governor may make regulations.

- (a) prescribing the forms of licenses, and
- (b) fixing the fees, charges, and royalties payable in respect of licenses, and
- (c) imposing the conditions subject to which the licenses may be granted and held, and the manner in which the rights conferred by the licenses may be exercised, and
- (d) for preserving the growth and succession of timber trees and preventing the destruction and exhaustion of State forests and timber reserves, and
- (e) generally for carrying out the provisions of this Act,

and may in those regulations impose any penalty not exceeding *twenty* pounds for any breach of the same. All regulations made as aforesaid shall be published in the *Gazette* and laid before both Houses of Parliament without delay.

Penalties imposed as aforesaid may be recovered summarily before a police or stipendiary magistrate or any two justices of the peace in petty sessions.

4. The Minister or any person authorised by him in that behalf may sue for and recover on behalf of Her Majesty in any court of competent jurisdiction any fees, charges, or royalties payable in respect of licenses granted under this Act, and compensation for any damage caused by any contravention of the provisions of this Act. Recovery of fees, charges, and licenses.

5. Any person (unless authorised for that purpose under the Crown Lands Acts or any Acts regulating mining) who cuts or removes any live or dead timber, trees, or undergrowth, or strips or removes wattle or other bark, or extracts or removes gums or saps from timber or trees, or digs for or removes stone, clay, gravel, shells, or other material on or from any State forest, timber reserve, or Crown land, without the authority of a license granted under this Act, or in violation of any condition contained in any license as aforesaid, or in any regulation made under this Act, shall, for each offence, be liable to a penalty not exceeding *twenty* pounds (exclusive of any compensation payable for damage caused by the contravention of this section), to be recovered in a summary way before a police or stipendiary magistrate or any two justices of the peace in petty sessions. Penalty for removing timber, bark, stone, or other material.

Any member of the police force or person authorised by the Minister in that behalf may seize any timber, trees, undergrowth, bark, gums, saps, stone, clay, gravel, shells, or other material which he may reasonably suspect to have been cut, stripped, extracted, dug, or removed from any State forest, timber reserve, or Crown land in contravention of this section, and the same shall, if not claimed within a fortnight from the day on which notice of the seizure has been posted at the court of petty sessions nearest to the said land, or on the conviction of the person so acting in contravention of this section, be forfeited to Her Majesty.

6. Sections one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, and one hundred and sixteen of the Crown Lands Act of 1884, and all regulations made under the authority of section one hundred and fifteen aforesaid, are hereby repealed: Repeal of sections 113 to 116 of Crown Lands Act of 1884.

Provided that such repeal shall not—

- (a) affect the previous operation of any enactment or regulation so repealed, or anything duly done, suffered, or commenced to be done thereunder; or
- (b) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment or regulation so repealed; or
- (c) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against an enactment or regulation so repealed.

7. In this Act—

- “Crown lands” has the meaning given to that expression in the Crown Lands Act of 1884.
- “Governor” means Governor with the advice of the Executive Council.
- “Minister” means the Minister of the Crown charged with the administration of this Act.
- “Prescribed” means prescribed by regulations made under this Act.

Definitions.

8. This Act shall take effect on and after the day Commencement and short title. of one thousand eight hundred and ninety-six, and may be cited as the “Forests and Quarries Act, 1896.”