

Queensland



ANNO OCTAVO

ELIZABETHAE SECUNDAE REGINAE.

No. 58.

An Act to Provide for Forest Reservations, the Management, Silvicultural Treatment and Protection of State Forests, and the Sale and Disposal of Forest Products and Quarry Material, the Property of the Crown on State Forests, Timber Reserves and on Other Lands; to make Provision for the Management of National Parks and Scenic Areas; and for other purposes.

[ASSENTED TO 22ND DECEMBER, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. (1.) This Act may be cited as "*The Forestry Act of 1959.*" Short title.

*(2.) Except as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette.* Commencement of this Act.

* Commenced 1 Aug. 1960: (Proc. publ. Gaz. 16 July 1960, p. 1613).

Construction
of this Act.

2. This Act, including every Proclamation, Order in Council, and regulation hereunder, shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any Proclamation, Order in Council, or regulation hereunder would but for this section have been construed as being in excess of that power, it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power.

Parts of this
Act.

3. This Act is divided into Parts as follows :—

PART I.—PRELIMINARY (ss. 1-5) ;

PART II.—ADMINISTRATION AND FUNCTIONS
(ss. 6-22) ;

PART III.—CLASSIFICATION AND RESERVATION OF
STATE FORESTS, TIMBER RESERVES,
NATIONAL PARKS AND SCENIC AREAS.
(ss. 23-32) ;

PART IV.—MANAGEMENT OF STATE FORESTS AND
TIMBER RESERVES (ss. 33-39) ;

PART V.—MANAGEMENT OF NATIONAL PARKS
AND SCENIC AREAS (ss. 40-43) ;

PART VI.—CONTROL AND DISPOSAL OF FOREST
PRODUCTS AND QUARRY MATERIAL (ss. 44-61) ;

PART VII.—CONTROL AND PROHIBITION OF FIRES
ON STATE FORESTS, TIMBER RESERVES,
NATIONAL PARKS AND SCENIC AREAS.
(ss. 62-69) ;

PART VIII.—MISCELLANEOUS (ss. 70-102) ;
SCHEDULES.

Repeals and
savings :
First Sch.

4. The enactments specified in the First Schedule to this Act (hereinafter in this Act referred to as “ the repealed Acts ”) are hereby repealed to the extent indicated in the third column of that Schedule :

Provided that, but without limiting the operation of “ *The Acts Interpretation Acts, 1954-1957,* ”—

(i.) Unless otherwise expressly provided, every Proclamation, Order in Council, regulation, by-law, permit, lease, license, registration, appointment, approval, consent, determination, requirement, notice,

prohibition, or act of authority made, granted, given, issued, done, or otherwise originated under any of the repealed Acts and subsisting at the commencement of this Act, shall, subject as hereinafter provided and so far as it is consistent with this Act, continue for the purposes of this Act in force (until it expires by effluxion of time, or is repealed, amended or otherwise modified, revoked, cancelled, suspended, or surrendered under this Act) as fully and effectually as if it had originated under the corresponding provisions of this Act, and shall, where necessary, be deemed to have so originated :

Provided that every such Proclamation, Order in Council, regulation, by-law, permit, lease, license, registration, appointment, approval, consent, determination, requirement, notice, prohibition, or act of authority shall be read and construed subject to this Act ;

- (ii.) All penalties and forfeitures imposed under any provision of any of the repealed Acts and not recovered at the commencement of this Act shall and may be enforced as if this Act had not come into operation ;
- (iii.) All actions and proceedings under any of the repealed Acts commenced or pending at the commencement of this Act may be carried on and prosecuted as if this Act had not come into operation, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything contained in this Act ;
- (iv.) All forest officers and all other officers appointed under any of the repealed Acts and in office immediately prior to the commencement of this Act shall be deemed to have been appointed to their respective offices under and for the purposes of this Act and, subject to this Act, shall continue to hold those offices respectively in terms

of their appointment without further or other appointment under this Act. The Deputy Director of Forests appointed under any of the repealed Acts and in office immediately prior to the commencement of this Act shall be deemed to have been appointed to the office of Deputy Conservator of Forests and shall, subject to this Act, hold the office of Deputy Conservator of Forests in terms of his appointment as Deputy Director of Forests without further or other appointment under this Act ;

- (v.) All moneys which having accrued due under any provision of the repealed Acts are at the date of the repeal of such provision due or payable to or recoverable by the Crown or Minister, or the Forestry Board constituted under or for the purposes of any of the repealed Acts, or any other body or person shall be and continue to be so due, payable and recoverable, and may be paid and received and recovered accordingly ;
- (vi.) Where in any other Act (or in any regulation, rule, by-law, order, or other instrument under any other Act) reference is made to any of the repealed Acts, or to the collective citation of Acts in which any of the repealed Acts is included, or to any provision of any of the repealed Acts, it shall be taken, unless the context otherwise indicates or requires, that that reference is to or of this Act or, as the case requires, to the corresponding provision of this Act, and that reference shall be read and construed accordingly ; and
- (vii.) The amount of every fee, charge, royalty, or rent prescribed by any provision of the repealed Acts shall continue to be payable under and for the purposes of the corresponding provision of this Act as if the same were prescribed by that corresponding provision until such time as the amount of that fee, charge, royalty, or rent is prescribed by regulation.

5. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say :—

Meaning of terms.

“ Bed and banks ”—Used with reference to any watercourse the bed and banks thereof as defined in “ *The Water Acts, 1926 to 1957*,” and where elevations or slopes of land contiguous to the bed and banks as hereinbefore in this definition defined of any watercourse confine or tend to confine the waters flowing in, into or out of such watercourse during the period of any flood or cyclone, the term “ bed and banks ” shall include all land covered by the waters so confined or tending to be so confined ;

Bed and banks.

“ Conservator of Forests ”—The person appointed or deemed to be appointed under this Act as the Conservator of Forests : The term includes any person who for the time being occupies the office or exercises the functions and performs the duties of the Conservator of Forests ; where necessary the term also includes the Department ;

Conservator of Forests.

“ Crown holding ”—Land held as an Agricultural Selection, Perpetual Country Lease, Prickly-pear Selection, Prickly-pear Development Selection, Brigalow Lease, Grazing Selection, Settlement Farm Lease, Pastoral Holding, Forest Grazing Lease or Special Lease, or under an occupation license granted in priority to a late lessee in respect of an expired Grazing Selection or Pastoral Holding under “ *The Land Acts, 1910 to 1959* ” : The term includes such other land, being land subject to any lease or license lawfully granted by the Crown, as may be prescribed by the Governor in Council by Order in Council ;

Crown holding.

“ Crown land ”—All land in Queensland, except land which is, for the time being—

Crown land.

(i.) Lawfully granted or contracted to be granted in fee-simple by the Crown ; or

(ii.) Reserved for or dedicated to public purposes ; or

(iii.) Subject to any lease or license lawfully granted by the Crown :

Provided that land held under an occupation license, other than an occupation license referred to in the definition "Crown holding," shall be deemed to be "Crown land" ;

Department
of Forestry ;
Department.

"Department of Forestry" or "Department"—The Department of Forestry preserved, continued in existence and constituted under this Act: The term, where necessary, includes the Conservator of Forests ;

Deputy
Conservator
of Forests.

"Deputy Conservator of Forests"—The Deputy Conservator of Forests appointed or deemed to be appointed under this Act: The term includes any person who for the time being occupies the office or exercises the functions and performs the duties of the Deputy Conservator of Forests ;

Destroy.

"Destroy"—Used in relation to any tree, means cut down, fell, ringbark, push over, poison or destroy by any means whatsoever ;

Forest
officer.

"Forest officer"—Any forest officer appointed or deemed to be appointed under and for the purposes of this Act: The term includes the Conservator of Forests, Deputy Conservator of Forests, Secretary and any person for the time being appointed under and for the purposes of this Act to act as, or to perform any of the duties of, a forest officer ;

Forest
products

"Forest products"—All vegetable growth (including ferns and plants), growing or dead trees whether standing or fallen, any timber or other product thereof, and any other vegetable growth whether alive or dead and, in relation to any State Forest, Timber Reserve, National Park or Scenic Area, includes any quarry material, earth, soil, honey, indigenous animals and birds (including eggs and nests) and relics of every description ;

- “Get ”—Used in relation to any forest products, Get.
includes get, win, cut, saw, fell, dig, gather,
remove, convert, or obtain ; and used in
relation to any earth, soil, or quarry material,
includes dig, gather, remove, convert, or
obtain ;
- “Interfere with ”—Used in relation to any forest Interfere
with.
products, earth, soil, or quarry material,
includes destroy, get, damage, mark, move,
use, or in any way interfere with ;
- “Land Administration Commission ”—The Land Land
Adminis-
tration
Commission.
Administration Commission constituted for
the time being pursuant to Part III. of “*The
Land Acts and Other Acts Amendment Act
of 1959*” ;
- “Land Commissioner ”—The Land Commissioner, Land
Commis-
sioner.
appointed under “*The Land Acts, 1910 to
1959,*” for the district in which the land in
question is situated : The term includes an
Acting Land Commissioner and a Deputy
Land Commissioner for that district ;
- “Local Authority ”—A Local Authority Local
Authority.
constituted under “*The Local Government
Acts, 1936 to 1958*” : The term includes any
Joint Local Authority, the Brisbane City
Council constituted under “*The City of
Brisbane Acts, 1924 to 1958,*” and the
corporation of The Commissioner of Irrigation
and Water Supply constituted under “*The
Irrigation and Water Supply Commission
Acts, 1946 to 1949,*” and any other corporation
constituted under any other Act where,
pursuant to any Act, the corporation of The
Commissioner of Irrigation and Water Supply
or, as the case may be, other corporation is a
Local Authority ;
- “Management ”—Includes control, regulation, Manago-
ment.
construction, maintenance and protection ;
- “Mining Acts ”—“*The Mining Acts, 1898 to
1955,*” “*The Mining for Coal and Mineral
Oil Acts, 1912 to 1941,*” “*The Petroleum
Acts, 1923 to 1958,*” “*The Coal Mining
Acts, 1925 to 1952,*” “*The Mining on Private
Land Acts, 1909 to 1956,*” or any Mining Acts.

regulations thereunder: The term does not include "*The Miners' Homestead Leases Acts, 1913 to 1957*," and the regulations thereunder;

Minister.

"Minister"—The Minister for Public Lands and Irrigation or other Minister of the Crown for the time being charged with the administration of this Act;

National Park.

"National Park"—Land set apart and declared or deemed to be set apart and declared under this Act as a National Park;

Officer.

"Officer"—The Conservator of Forests, Deputy Conservator of Forests, the Secretary, any other forest officer, or any other officer appointed or deemed to be appointed under and for the purposes of this Act: The term includes any person who for the time being occupies the office or exercises the functions and performs the duties of any such officer;

Order in Council.

"Order in Council"—An Order in Council made under or continued in force by this Act;

Permit.

"Permit"—A permit granted under this Act and in force at the material time and, with reference to any particular provision of this Act, a permit of the description appropriate according to that provision;

Place.

"Place"—Includes any house, office, room, tent, building, erection, structure, premises (whether upon land or water), ship, vessel, vehicle or aircraft, and any road, street, thoroughfare, alley, right-of-way (whether public or private), and any land, whether public or private and whether enclosed or otherwise: The term also includes any part of any place;

Prescribed.

"Prescribed"—Prescribed by this Act;

Proclamation.

"Proclamation"—A Proclamation made under or continued in force by this Act;

Public purposes.

"Public purposes"—Any objects or purposes included in the term "Public purposes" within the meaning of "*The Land Acts, 1910 to 1959*";

- “ Quarry material ”—Includes any stone, gravel, sand, rock, clay which is not a mineral within the meaning of “ *The Mining Acts, 1898 to 1955* ” and guano ; Quarry material.
- “ Regulations ”—Regulations made under or continued in force by this Act ; Regulations.
- “ Scenic Area ”—Land set apart and declared or deemed to be set apart and declared under this Act as a Scenic Area ; Scenic Area.
- “ Secretary ”—The Secretary to the Conservator of Forests and the Department, including any person who for the time being occupies the office or exercises the functions and performs the duties of the said Secretary ; Secretary.
- “ State Forest ”—Land set apart and declared or deemed to be set apart and declared under this Act as a State Forest ; State Forest.
- “ Stock ”—Cattle, horses, sheep, goats, or swine, or the young of any such animals ; Stock.
- “ This Act ”—This Act and all Proclamations, Orders in Council, regulations, by-laws, and notifications made under or continued in force by this Act ; This Act.
- “ Timber ”—Includes the trunks, branches, stumps and roots of trees, whether standing or not, and all wood, whether or not the same is cut up, sawn, hewn, split, or otherwise fashioned ; Timber.
- “ Timber Reserve ”—Land set apart and declared or deemed to be set apart and declared under this Act as a Timber Reserve ; Timber Reserve.
- “ Trees ”—Includes not only timber trees, but all other trees, and shrubs, bushes, seedlings, saplings, and re-shoots of every description and any parts thereof ; Trees.
- “ Warden ”—A warden appointed under “ *The Mining Acts, 1898 to 1955* ” : The term includes an acting warden under those Acts ; Warden.

Watercourse.

“Watercourse”—Includes any river, stream or creek (whether subject to tidal influence or not) in which water flows in a natural channel, either permanently, intermittently, or occasionally.

Any reference in this Act to a failure to do any act or thing includes a reference to a refusal or neglect to do that act or thing.

PART II.—ADMINISTRATION AND FUNCTIONS.

Administra-
tion of this
Act.

6. This Act shall, except as otherwise provided, be administered by the Minister and, subject to the Minister, by the Conservator of Forests and other officers.

Conservator
of Forests.

7. (1.) The Conservator of Forests shall be appointed from time to time by the Governor in Council.

Subject to this Act, every such appointee shall be appointed to and hold his office under, subject to, and in accordance with “*The Public Service Acts, 1922 to 1958.*”

First
Conservator
of Forests.

(2.) The person who immediately prior to the commencement of this Act held the office of Director of Forests in the Department of Forestry of the Government of Queensland, shall, without further or other appointment whatsoever, be deemed to have been appointed under “*The Public Service Acts, 1922 to 1958,*” and this Act as the first Conservator of Forests and shall hold office accordingly.

Qualifica-
tions of
Conservator
of Forests.

(3.) Any person appointed to the office of Conservator of Forests shall hold a degree or diploma in forestry (or possess, if other qualifications in forestry are prescribed for the holder of that office, qualifications recognised by the Governor in Council as being equal to or higher than such other qualifications), shall have knowledge of and experience in the practice of forestry, and shall have administrative experience.

Conservator
of Forests
to be
corporation
sole.

8. (1.) The Conservator of Forests shall be a corporation sole under the name and style of “The Conservator of Forests” with perpetual succession and an official seal, and by that name shall be capable in law of suing and being sued, and of acquiring, holding, taking on lease, leasing, exchanging and disposing of property real and personal, movable and immovable, and of doing and suffering all such other acts, matters and things, as bodies corporate may by law do and suffer.

The Conservator of Forests, representing the Crown as such corporation, shall have and may exercise, for all the purposes of this Act, all the powers, privileges, rights and remedies of the Crown.

(2.) All Courts, Judges, justices, and persons acting judicially shall take judicial notice of the appointment of the Conservator of Forests, the Deputy Conservator of Forests, and the Secretary, and of their respective signatures, and of the seal of the Conservator of Forests affixed to any document, notice, or other writing whatsoever, and, until the contrary is proved, shall presume that any such signature or such seal, as the case may be, was duly affixed to any document, notice, or other writing whatsoever.

Judicial
notice of
appoint-
ments, &c.

9. (1.) For the purpose of continuing the existence and identity of the Forestry Board constituted and incorporated by or for the purposes of the repealed Acts, that corporation—

Conservator
of Forests
to succeed
Forestry
Board.

(a) Shall be deemed to have been reconstituted and renamed by section eight of this Act; and

(b) Subject to section eight of this Act shall be deemed to continue in existence as so reconstituted and under its changed name.

(2.) The repeal of the repealed Acts and the enactment of section eight of this Act shall not affect or prejudice howsoever any rights or liabilities of the corporation as constituted and named by the repealed Acts, or render defective any legal proceedings by or against it, and any legal proceedings that might have been commenced or continued by or against it as constituted and named by the said repealed Acts, may be commenced or continued by or against it under its changed name and as reconstituted pursuant to section eight of this Act, and all lands vested in, and all lands (including lands reserved or set apart and placed under its control and management), and all other property held by it as constituted and named by the said repealed Acts, shall continue vested in and held by it under its changed name and as reconstituted by section eight of this Act.

(3.) Reference in any Act or law, including any Proclamation, Order in Council, regulation, rule, by-law, ordinance or other instrument made, granted or issued

under any Act, or in any contract, agreement, undertaking, mortgage, bond, security, lease, deed, covenant, or other document, instrument, or writing whatsoever, to the Forestry Board howsoever constituted, or to the chairman or a member of such Board, or to the Director of Forests within the meaning of the repealed Acts, shall be read hereafter as a reference to the Conservator of Forests.

Department
of Forestry.

10. (1.) The Department of Forestry constituted under "*The Forestry Act of 1957*" is hereby preserved, continued in existence, and under the same name constituted under this Act.

The repeal of "*The Forestry Act of 1957*" shall not affect the continuity or identity of the Department of Forestry.

That Department shall be constituted under and for the purposes of this Act by the Conservator of Forests and the other officers who, being appointed under "*The Public Service Acts, 1922 to 1958*," are in office at the commencement of this Act or who have been so appointed on or after the commencement of this Act.

Permanent
head.

(2.) (a) For the purposes of the application of "*The Public Service Acts, 1922 to 1958*," to the Department of Forestry, the Conservator of Forests shall be the permanent head of that Department unless and until another person is defined by the regulations under those Acts to be that permanent head.

Respon-
sibility
to Minister.

(b) The Conservator of Forests shall be directly responsible to the Minister for the administration by the Department of this Act.

(3.) The Department of Forestry under the direction of the Conservator of Forests shall have such powers, functions, authorities and duties as are prescribed.

Functions,
&c., of the
Department.

11. (1.) Subject to the Minister, the general functions and duties of the Department of Forestry shall be—

- (i.) The carrying out of all matters of forest policy ;
- (ii.) With the object of maintaining as far as practicable adequate supplies in perpetuity of timber and other forest products therefrom, the management of all State Forests ;

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- (iii.) The classification, in conjunction with the Land Administration Commission, of lands of the State with a view to determining which are suitable to be reserved under this Act for forestry purposes ;
 - (iv.) The control and disposal of forest products and quarry material, the property of the Crown ;
 - (v.) The undertaking of all silvicultural, protection, road and other works whatsoever, considered by the Conservator of Forests to be necessary or desirable to give effect to or to carry out the objects of this Act or to discharge the Department's duties and obligations under this Act or for any purpose incidental thereto, including the construction, establishment, improvement, operation, carrying out, and maintenance of those works ;
 - (vi.) The management of all National Parks and Scenic Areas ;
 - (vii.) The carrying out of surveys of all types necessary or expedient to give effect to or to carry out the objects of this Act ;
 - (viii.) The conduct of investigation and research into problems arising out of or related to the establishment, growth and protection of trees and forests, the construction and maintenance of forest roads and the cutting, snigging, loading and hauling of forest products, the processing, marketing, utilisation and identification of forest products (including but without limiting the generality hereof, investigation and research relating to or concerning anatomical, mechanical and physical properties, preservation against attack by biological organisms, economics of conversion of manufactured products, and advisory services to the forest products industries), and the carrying on of any operation incidental or convenient for the exercise of the aforesaid functions ;

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- (ix.) The getting and sale or disposal otherwise of timber and other forest products and quarry material including the construction and maintenance of any necessary roads ;
 - (x.) The collection of statistics relating to timber and other forest products ;
 - (xi.) The training of persons in forestry or any branch of forestry ;
 - (xii.) The determination of the areas of the State Forests, Timber Reserves and National Parks and Scenic Areas from time to time existing which may be leased consistent with the objects of this Act, the utilisation of the grazing thereon by such means as the Conservator of Forests may deem desirable, and the carrying out and control of any works for the improvement of the grazing or productive capacity of any such State Forests, Timber Reserves and National Parks and Scenic Areas ;
 - (xiii.) The publication or dissemination (orally or by writing or by any means of producing or transmitting light or sound or otherwise howsoever) of information or literature in relation to forestry or to the marketing or processing of all or any forest products or to any of the Department's activities (including the preparation of displays for such purposes) ;
 - (xiv.) The making of such investigations and reports as it may deem necessary or desirable to enable it to carry out or exercise any power, function, or authority conferred, or to perform any duty imposed, upon the Conservator of Forests by this Act, or as may be required by the Minister ;
 - (xv.) The collection and recovery of all penalties, costs, expenses, charges, fees, royalties, stumpages, rents, and compensation and other moneys due or recoverable under this Act, and the expenditure of such moneys as are from time to time available for the purposes of this Act ;

- (xvi.) Generally the exercising of all powers, authorities, and functions, and the performing of all duties as prescribed, and the doing of all such other acts and things as it may consider necessary or desirable to give effect to or to carry out the objects of this Act.

(2.) For the purposes of this Part, any act or duty which any forest officer or other officer, or any other person acting under the direction or superintendence of the Conservator of Forests or any forest officer or other officer, is by or under this Act or any other Act or otherwise, authorised or required to do or perform shall be deemed to be an Act or duty which the Department is authorised or required to do or perform.

12. (1.) Subject to the Minister, the Conservator of Forests may exercise all the powers, functions and authorities and shall perform all the duties specifically conferred or imposed upon the Department by this Act and shall have in addition such other powers, functions and authorities as are necessary or desirable to carry out the objects and purposes of this Act and in particular, but without limiting the generality of the foregoing, may from time to time for the purposes of this Act do all or any of the following things :—

Powers
of the
Conservator
of Forests,
&c.

- (i.) With the approval of the Minister acquire by agreement or take by resumption freehold lands or easements over such land ;
- (ii.) With the approval of the Minister, sell, exchange, or otherwise dispose of any land or other property vested in or held by or deemed to be vested in or held by the Conservator of Forests and not required for the purposes of this Act ;
- (iii.) With the approval of the Minister, release any easement over any land ;
- (iv.) Purchase or take on hire plant, machinery, equipment, or other goods whatsoever ;
- (v.) Dispose of or let on hire plant, machinery, equipment, or other goods whatsoever vested in or held by the Conservator of Forests ;

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- (vi.) Assign, reconvey, or discharge mortgages, securities, or other obligations, either wholly or in part ;
 - (vii.) Enter into, modify, or alter any contract or agreement with any person ;
 - (viii.) Erect, purchase, and take on lease buildings or other accommodation (including houses and other accommodation for officers and employees of the Conservator of Forests and their dependants) and repair, equip, furnish, and maintain the same, and lease buildings, office or other accommodation in any building, or any other structure or improvement to such persons (including officers and employees of the Conservator of Forests and their dependants) and for such rent as he thinks proper ;
 - (ix.) Provide and or subsidise transport, accommodation, provisions, and amenities for officers and employees of the Department and their families ;
 - (x.) Endeavour to find or produce forest products required for industrial or any other purposes ;
 - (xi.) Advise persons on matters concerning the proper utilisation of any forest products and make such charges therefor as he may deem desirable
 - (xii.) Advise persons owning forests or desiring to establish forests on their own land as to the proper means to employ in establishing and managing such forests and make such charges therefor as he may deem desirable ;
 - (xiii.) Supply trees for planting to any Local Authorities, schools, public institutions, or other public bodies, or to persons generally upon such terms and conditions, whether as to price or otherwise, as he may deem desirable ;
 - (xiv.) Prepare and make displays or exhibits illustrative of forestry or matters related thereto and acquire articles for the purposes thereof ;
 - (xv.) Do anything incidental to any of his powers, functions, or authorities.

(2.) The Conservator of Forests—

Conservator
of Forests
to represent
the Crown.

(i.) Shall carry out, exercise, and perform his powers, functions, authorities, and duties on behalf of the Crown ; and

(ii.) With respect to the carrying out, exercising, and performance of those powers, functions, authorities, and duties shall have the privileges, rights, and remedies of the Crown.

(3.) (a) Unless otherwise expressly provided by this Act, all works and all real and personal property of every kind (including all money and securities for money) constructed, purchased, acquired, received, or held in any manner by the Conservator of Forests for the purposes of this Act, shall be vested in the Conservator of Forests according to the nature of the estate or interest therein respectively.

Vesting of
property in
Conservator
of Forests
and power
thereover.

(b) All works and all chattels of every kind constructed, purchased, acquired, received, or held howsoever by or on behalf of the Crown for or in connection with forestry purposes and held or used for or in connection with such purposes immediately prior to the commencement of this Act shall, by virtue of this Act and without any transfer or assignment thereof, pass to and become vested in the Conservator of Forests.

(c) The Conservator of Forests may surrender to the Crown any property vested in or held by him pursuant to this Act.

(4.) The Conservator of Forests shall furnish to the Minister whenever and such as the Minister may require, reports, estimates, accounts, vouchers and documents relating to any matters under the control or management of the Conservator of Forests or to the administration of this Act.

Reports, &c.

13. For the purpose of taking any land or easement over land under and for the purposes of this Act, the Conservator of Forests shall have and may exercise the powers of the Crown as a constructing authority under "*The Public Works Land Resumption Acts, 1906 to 1955,*" and those Acts shall apply and extend accordingly.

Taking of
land, &c.

Land taken by the Conservator of Forests shall, according as the Proclamation under "*The Public Works Land Resumption Acts, 1906 to 1955,*" or as any later Proclamation declares, vest in the Crown or the Conservator of Forests.

Powers of
Conservator
of Forests
to enter into
contracts.

14. (1.) The Conservator of Forests may enter into agreements or contracts, either by himself or through the medium of such officers or agents as the said Conservator of Forests from time to time authorises, for the carrying-out of the purposes of this Act.

(2.) Where the Conservator of Forests is authorised to enter into any agreement or contract, such authority may be exercised as follows :—

(a) Any agreement or contract which, if made between private persons, would by law be required to be in writing and under seal, may be made by the Conservator of Forests in writing and under his seal and signed by or on behalf of the Conservator of Forests, and any such agreement or contract may be varied or discharged in the same manner ;

(b) Any agreement or contract which, if made between private persons, would by law be required to be in writing signed by the parties to be charged therewith may be made in writing signed by or on behalf of the Conservator of Forests, and may be varied or discharged in the same manner ;

(c) Any agreement or contract which, if made between private persons, would by law be valid although not reduced into writing, may be made orally by or on behalf of the Conservator of Forests, and may be varied or discharged in the same manner.

(3.) All agreements or contracts made according to the provisions herein contained shall be effectual in law and shall be binding on the Conservator of Forests and all other parties thereto, their successors, executors or administrators, as the case may be ; and in case of default in the execution of any such agreement or contract, either by the Conservator of Forests or by any other party thereto, such actions may be maintained thereon and such damages and costs recovered by or

against the Conservator of Forests, or the other parties failing in the execution thereof, as might have been maintained and recovered if the same agreement or contract had been made between private persons only.

(4.) Without limiting his powers otherwise given to employ or contract with persons, the Conservator of Forests may employ or contract with persons for the construction, carrying out, improvement, maintenance, or other management of any works under or for the purposes of this Act and may make advances to or guarantee the liability of persons who purchase plant for the purpose of that employment or contract.

Advances for purchase of plant.

15. (1.) The Conservator of Forests may from time to time, in relation to any matters or class of matters or to any particular place, by instrument in writing under his seal, delegate to the Deputy Conservator of Forests, the Secretary or any other officer whomsoever or any employee of the Department or any officer of the Crown all or any of his powers, functions, authorities, and duties under this or any other Act as may be specified in the instrument (other than this power of delegation) so that the delegated powers, functions, authorities, and duties may be exercised, or as the case may be, shall be performed by the delegate according as specified in the instrument.

Delegation of powers by the Conservator of Forests.

(2.) Where by or under this or any other Act the exercise of any power, function, or authority or the performance of a duty of the Conservator of Forests, is dependent upon the opinion, belief, or state of mind of the Conservator of Forests in relation to any matter, that power, function, or authority may be exercised or the duty performed, upon the opinion, belief, or state of mind of the person to whom it is delegated under this section.

(3.) Every delegation under this section shall be revocable by the Conservator of Forests at his will (and shall be revoked by him if the Minister so directs), and no delegation shall prevent the exercise of the delegated power, function, or authority, or the performance of the duty by the Conservator of Forests.

Revocation of delegation.

(4.) The Conservator of Forests may make such and so many delegations under this section and to such number of persons as he may consider necessary or desirable.

Defects in appointment not to invalidate acts of Conservator of Forests.

16. All acts and proceedings of the Conservator of Forests shall, notwithstanding any defect in the appointment of any person as Conservator of Forests, or that any such person was disqualified or disentitled to act, be as valid as if every such person had been duly appointed and was qualified and entitled to act and had acted as the Conservator of Forests.

Appointment of officers.

17. (1.) The Governor in Council may from time to time appoint under and for the purposes of this Act a Deputy Conservator of Forests, a Secretary to the Conservator of Forests, and such and so many other forest officers and other officers as he deems necessary for the effectual execution of this Act.

Every such appointee shall be appointed to hold his office under, subject to, and in accordance with "*The Public Service Acts, 1922 to 1958.*"

Deputy Conservator of Forests.

(2.) (a) The Deputy Conservator of Forests shall hold a degree or diploma in forestry, shall have had knowledge of and experience in the practice of forestry and shall have administrative experience.

(b) The Deputy Conservator of Forests shall have and may exercise all such powers, functions, and authorities, and shall perform all such duties (including such of the powers, functions, authorities and duties of the Conservator of Forests) as may be prescribed, or, in so far as not prescribed, as the Conservator of Forests may direct either generally or in any special case.

When Deputy Conservator of Forests to act as Conservator of Forests.

(c) In the event of and during the absence from duty for any reason whatsoever of the Conservator of Forests, or in the event of a vacancy occurring in the office of the Conservator of Forests and until a new Conservator of Forests is appointed, the Deputy Conservator of Forests shall act as Conservator of Forests and while he so acts shall constitute the corporation of the Conservator of Forests and shall have and may exercise all of the powers, functions, and authorities, and shall perform all of the duties, of the Conservator of Forests (including the powers, functions, authorities and duties as permanent head of the Department of Forestry unless another person is then defined by the regulations under "*The Public Service Acts, 1922 to 1958,*" to be that permanent head).

(d) If, at the time of any absence from duty or vacancy in the office of Conservator of Forests, there is no Deputy Conservator of Forests in office and available to act as Conservator of Forests, then the Governor in Council may appoint temporarily, by notification published in the *Gazette*, a person to act as the Conservator of Forests.

Person acting as Conservator of Forests temporarily.

A person so appointed shall act as the Conservator of Forests during the period of the absence from duty or vacancy in the office of the Conservator of Forests for which the Deputy Conservator of Forests is not available to act as the Conservator of Forests and that person while acting as the Conservator of Forests shall constitute the corporation of the Conservator of Forests and shall have and may exercise all of the powers, functions, and authorities, and shall perform all of the duties, of the Conservator of Forests (including the powers, functions, authorities and duties as permanent head of the Department of Forestry unless another person is then defined by the regulations under "*The Public Service Acts, 1922 to 1958*," to be that permanent head).

(e) The fact that the Deputy Conservator of Forests or a person appointed to act as the Conservator of Forests has exercised any power, function, or authority, or has performed any duty, of the Conservator of Forests shall, until the contrary is proved, be sufficient evidence of his authority to do so.

(3.) (a) The Secretary to the Conservator of Forests shall be a person who possesses knowledge of and has had experience in matters of forestry administration.

Secretary.

(b) The Secretary to the Conservator of Forests shall without further or other appointment be also the Secretary to the Department.

(c) The Secretary shall have custody of the official seal of the corporation constituted by this Act and, subject to the Conservator of Forests, shall have power to execute documents on behalf of the corporation and to affix the official seal thereto, and shall also have and may exercise such other powers, authorities, and functions, and shall perform such other duties as may be prescribed, or, in so far as not prescribed, as the Conservator of Forests may direct either generally or in a particular case.

Custody of seal.

(d) During the absence from duty of the Secretary by reason of illness or leave of absence, an officer duly authorised in writing by the Conservator of Forests shall have custody of the official seal of the corporation and, subject to the Conservator of Forests, shall have power to execute documents on behalf of the corporation and to affix the official seal thereto.

Powers and duties of officers.

(4.) Every officer shall have and may exercise all such powers, functions and authorities, and shall perform all such duties as may be prescribed, or, in so far as not prescribed, as the Conservator of Forests may direct either generally or in any special case.

Appointment of holder of office as forest officer or other officer.

(5.) Without limiting the generality of the provisions of subsection one of this section, any appointment as forest officer or, as the case may be, other officer under that subsection may, if the Governor in Council deems it necessary or desirable, be made by the appointment as forest officer or, as the case may be, other officer of the holder for the time being of an office under the Crown in right of this State, specifying that office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office shall, without further appointment or other authority and while he holds or occupies or performs the duties of that office, be a forest officer or other officer, as the case may be, in terms of such appointment, and may hold both his office and such appointment in conjunction.

The Governor in Council may at any time cancel any appointment made in pursuance of this subsection.

Power to appoint persons to act as forest officers.

(6.) (a) The Minister may by writing under his hand from time to time appoint under and for the purposes of this Act such and so many persons as deemed necessary to act as forest officers.

Any and every appointment of a person to act as forest officer may be limited as the Minister thinks fit with respect to time, place, powers, functions and duties of a forest officer under this Act, or other circumstances :

Provided that in any and every case the appointment to act as forest officer shall be held at the pleasure of the Minister and may be terminated by the Minister at any time :

Provided further that, subject to such provisions in that behalf as may be prescribed, the appointee may resign his appointment by writing addressed to the Minister.

(b) All limitations, if any, imposed in respect of any appointment under this subsection shall be specified in the writing by which that appointment is made.

(7.) The Minister may by writing under his hand from time to time appoint under and for the purposes of this Act such and so many persons as deemed necessary to be Honorary Rangers. Every such appointee shall hold office at the pleasure of the Minister.

Honorary
Rangers.

Honorary Rangers shall have such powers, functions and authorities as may be prescribed.

18. (1.) Any forest officer, in addition to such other powers and duties as from time to time devolve upon him under this Act, may—

General
powers of
forest
officers.

- (i.) Call to his aid any member of the Police Force where he has reasonable cause to apprehend any obstruction in the exercise of his powers or in the execution of his duties ;
- (ii.) Be accompanied and aided by any person he may think competent to assist him in making any inspection or examination ;
- (iii.) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act have been or are being complied with by any person or in respect of any State Forest, Timber Reserve, National Park, Scenic Area, or any forest products or quarry material, the property of the Crown ;
- (iv.) Question, with respect to matters under this Act, the owner or occupier of any place, every person whom he finds in any place, and every person who has been within the

preceding six months employed in or on any place to ascertain whether this Act has been or is being complied with, and require any such person to answer the questions put and to sign a declaration of the truth of his answers ;

- (v.) Require the production of any license, permit, or other authority granted or agreement or contract made under and for the purposes of this Act and of any book, notice, record, list, or writing which by this Act is required to be had or kept or which is in his opinion material to any inquiry under paragraph (ii.) of this subsection, and inspect, examine, and take copies of or extracts from the same ;
- (vi.) At any time, search and examine all containers, vehicles, or other receptacles for holding or transporting any forest products or quarry material or reasonably suspected so to be, and for that purpose the forest officer may require the owner or person in charge thereof to open any such container, vehicle, or other receptacle, as the case may be, and expose its contents to view .
- (vii.) Between sunrise and sunset, enter and inspect any place where there are any forest products or quarry material which have been got or interfered with, or which are reasonably suspected of having been got or interfered with contrary in any respect to this Act, and seize, take away, detain, and secure the same pending proceedings ; and
- (viii.) Exercise such other powers, functions and authorities as may be prescribed.

Forest officer
may require
name and
address.

- (2.) Any forest officer who—
 - (i.) Finds any person committing or who reasonably suspects any person of having committed an offence against this Act ; or
 - (ii.) Is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by any person ; or

(iii.) Is of the opinion that the name and address of any person is required for the purpose of giving effect to any provision of this Act, or for the purpose of enabling him to carry out his powers and duties under this Act, may require such person to state his name and address, or name or address, and, if he has reasonable ground to suppose that the name and address, or name or address, given is false, may require evidence of the correctness thereof.

19. The Conservator of Forests may from time to time employ such and so many employees as may be necessary for the exercise by the Conservator of Forests or the Department of his or its functions and the performance of his or its duties under this Act and may at any time determine any such employment.

20. (1.) For the purposes of this Act the Conservator of Forests may, from time to time, but subject to any applicable provisions of "*The Public Service Acts, 1922 to 1958*," establish branches or agencies of the Department, and may close any branch or agency.

(2.) The Conservator of Forests may appoint any person to act as his agent.

Without limiting the generality of the aforementioned provision, any officer of any Department of the Government of this State shall, at the request of the Conservator of Forests and with the approval of the Minister of the Crown charged with the administration of the Department of which he is an officer, act as such agent, and with, under, and subject to such powers, conditions and limitations as are contained in such request and approved of by that Minister.

21. No officer in his personal capacity shall become in any way concerned or interested in any lease, permit, or license, or other similar right or authority granted under this Act or under any enactment repealed by this Act or in any contract or agreement made under or for any of the purposes of this Act or in anywise participate or claim to be entitled to participate in the profit thereof or in any benefit or emolument arising therefrom :

Provided however that an officer may, with the consent in writing of the Conservator of Forests first had and obtained, purchase, on such terms as the Conservator of Forests deems fit, forest products and quarry material the property of the Crown for his own personal use and enjoyment.

Auctioneer's
license not
required by
officers.

22. Any officer holding any auction under or for the purposes of this Act may hold that auction without an auctioneer's license under "*The Auctioneers and Commission Agents Acts, 1922 to 1953.*"

PART III.—CLASSIFICATION AND RESERVATION OF
STATE FORESTS, TIMBER RESERVES, NATIONAL
PARKS AND SCENIC AREAS.

Classification of Forest Lands.

Classification
of lands.

23. The Conservator of Forests shall from time to time cause to be made inspections and surveys of any lands within the State for the purpose of ascertaining whether or not such lands are suitable to be set apart under and for the purposes of this Act.

Recom-
mendation
for
reservation.

24. (1.) A recommendation by the Conservator of Forests to the Governor in Council for the setting apart under and for the purposes of this Act of any Crown land or any other land which may be so set apart shall not be made except under and in accordance with the provisions of this section.

(2.) If the Conservator of Forests at any time considers that any land referred to in subsection one of this section should be set apart under and for the purposes of this Act he shall refer the matter to the Land Administration Commission for advice as to whether or not it concurs with the making by the Conservator of Forests of a recommendation that such land shall be so set apart.

Furthermore, where the interests of any other Department of the Government of this State are affected by any proposal to set apart under and for the purposes of this Act any such land the views of that Department on the proposal shall also be ascertained and considered by the Conservator of Forests.

If the Land Administration Commission upon any such reference as aforesaid advises that it does not concur with the making by the Conservator of Forests of a recommendation that the land shall be set apart under and for the purposes of this Act, the Minister may refer the matter to the Chief Commissioner of Lands and the Conservator of Forests for joint investigation and report thereon in writing to the Minister. Upon receipt of such report and without being bound by any recommendation made therein, the Minister shall have power to determine the matter.

(3.) No recommendation for the setting apart of any such lands situated on a goldfield or mineral field shall be made without the approval of the Minister for Mines or other Minister of the Crown for the time being charged with the administration of the Mining Acts.

(4.) Every recommendation by the Conservator of Forests to the Governor in Council to which this section relates shall specify whether or not the Land Administration Commission concurs with the making of that recommendation and also whether or not the views of any other Department of the Government of this State with respect to that recommendation have been ascertained and, if ascertained, what those views are.

(5.) Every recommendation by the Conservator of Forests to which this section relates shall be forwarded to the Minister who may, in his absolute discretion, present the recommendation to the Governor in Council or remit the same to the Conservator of Forests for reconsideration.

State Forests.

25. (1.) Subject to section twenty-four of this Act, the Governor in Council may from time to time on the recommendation of the Conservator of Forests by Order in Council set apart and declare as a State Forest any Crown land, or any land or part thereof which may then be a Timber Reserve.

Power to set
apart and
declare
State
Forests.

Existing
State
Forests
continued.

(2.) All lands which immediately prior to the commencement of this Act are State Forests under or for the purposes of "*The State Forests and National Parks Acts, 1906 to 1948.*" shall without further or other authority be deemed to be set apart and declared under this Act as State Forests.

(3.) All references to State Forests in any Act (or in any regulation, rule, by-law, order, or other instrument under any Act) or in any contract, agreement, deed, application, license, notice, or other document whatsoever shall, unless inconsistent with the context, be read after the commencement of this Act as references to State Forests under this Act.

Restriction
on
alienation,
&c.

26. (1.) The setting apart and declaration of a State Forest by or under this Act shall not be revoked in whole or in part except under the authority of and in accordance with the provisions of subsection two of this section or section thirty-two of this Act.

No land comprised in a State Forest shall be excluded therefrom, leased, or dealt with otherwise howsoever except under the authority of and in accordance with the provisions of this Act.

Revocation
of
declaration.

(2.) The setting apart and declaration by or under this Act of land as a State Forest may be revoked in whole or in part in the following manner:—

(i.) The Governor in Council shall cause to be laid on the table of the Legislative Assembly a proposal for such revocation;

(ii.) After such proposal has been laid before the Legislative Assembly, the Governor in Council, on a resolution whereof not less than fourteen days' notice shall have been given being passed by the Legislative Assembly that such proposal be carried out, shall, by Order in Council, revoke such setting apart and declaration in accordance with that resolution.

Amalgama-
tion and
naming of
State
Forests.

27. The Governor in Council may from time to time—

(i.) By the Order in Council setting aside and declaring under this Act any land as a State Forest amalgamate that State Forest and any existing contiguous State Forest;

- (ii.) By Order in Council amalgamate any contiguous State Forests ;
- (iii.) If deemed desirable, upon consideration of a report by the Queensland Place Names Board in that regard, by Order in Council assign a name to any State Forest and likewise vary any such name.

Timber Reserves.

28. (1.) Subject to section twenty-four of this Act, the Governor in Council may from time to time on the recommendation of the Conservator of Forests by Order in Council set apart any Crown land as a Timber Reserve. Power to set apart and declare Timber Reserves.

(2.) All lands (other than land reserved for National Parks or State Forests) which immediately prior to the commencement of this Act are reserved under any Act for purposes of forestry or forest products or as Timber Reserves shall without further or other authority be deemed to be set apart and declared under this Act as Timber Reserves and any and every Order in Council so reserving any such land shall remain in force and be deemed to be an Order in Council made under this section. Existing Timber Reserves continued.

(3.) The setting apart by or under this Act of any land as a Timber Reserve shall not be rescinded or amended, in whole or in part, except under the authority and in accordance with the provisions of subsection four of this section or section thirty-two of this Act :

Provided that the setting apart of a Timber Reserve or part thereof under this Act as a State Forest, National Park, or Scenic Area shall without further or other authority revoke accordingly the whole or that part of the setting apart under this Act of the land as a Timber Reserve.

(4.) Where, upon reference to the Conservator of Forests and upon consideration of a report in writing by the Conservator of Forests upon such proposal the Governor in Council is satisfied that, having due regard to the objects and purposes of this Act, it is expedient to revoke in whole or in part the setting apart of any land as a Timber Reserve, then the Governor in Council may by Order in Council revoke wholly or in part such setting apart as a Timber Reserve. Revocation of Timber Reserves.

(5.) All references to Timber Reserves in any Act (or in any regulation, rule, by-law, order, or other instrument under any Act) or in any contract, agreement, deed, application, license, notice, or other document whatsoever shall, unless inconsistent with the context, be read, after the commencement of this Act, as references to Timber Reserves under this Act.

National Parks and Scenic Areas.

Power to
set apart
and declare
National
Parks, &c.

29. 1.) Subject to section twenty-four of this Act, the Governor in Council may from time to time on the recommendation of the Conservator of Forests by Order in Council set apart and declare as a National Park or, according to the provisions of subsection two of this section, as a Scenic Area any Crown land or Timber Reserve which he considers to be of scenic, scientific, or historic interest.

Areas of
National
Parks, &c.

(2.) A National Park shall comprise an area of one thousand acres or more.

A Scenic Area shall comprise an area being less than one thousand acres.

Existing
National
Parks.

30. (1.) All lands which immediately prior to the commencement of this Act are National Parks under or for the purposes of "*The State Forests and National Parks Acts, 1906 to 1948,*" shall without further or other authority be deemed to be set apart and declared under this Act as National Parks or, according to their respective areas as prescribed by subsection two of section twenty-nine of this Act, Scenic Areas.

(2.) All references to National Parks in any Act (or in any regulation, rule, by-law, order, or other instrument under any Act) or in any document whatsoever shall, unless inconsistent with the context, be read after the commencement of this Act as references to National Parks or, according to their respective areas as prescribed by subsection two of section twenty-nine of this Act, Scenic Areas under this Act.

Amalgama-
tion and
naming of
National
Parks, &c.

(3.) The Governor in Council may from time to time—

(i.) By the Order in Council setting aside and declaring under this Act any land as a National Park or Scenic Area amalgamate

that National Park or Scenic Area and any existing contiguous National Park or Scenic Area ;

- (ii.) By Order in Council amalgamate any contiguous National Parks or contiguous Scenic Areas or any National Park and any contiguous Scenic Area ;
- (iii.) If deemed desirable, upon consideration of a report by the Queensland Place Names Board in that regard, by Order in Council assign a name to any National Park or Scenic Area and likewise vary any such name.

31. (1.) The setting apart and declaration by or under this Act of land as a National Park or Scenic Area shall not be revoked in whole or in part except under the authority of subsection two of this section or section thirty-two of this Act. Restriction
on
alienation.

No land comprised in a National Park or Scenic Area shall be excluded therefrom, leased, or dealt with otherwise howsoever except under the authority of and in accordance with the provisions of this Act.

(2.) The setting apart and declaration by or under this Act of land as a National Park or Scenic Area may be revoked in whole or in part in the following manner :— Revocation
of
declaration.

- (i.) The Governor in Council shall cause to be laid on the table of the Legislative Assembly a proposal for such revocation ;
- (ii.) After such proposal has been laid before the Legislative Assembly, the Governor in Council, on a resolution whereof not less than fourteen days' notice shall have been given being passed by the Legislative Assembly that such proposal be carried out, shall, by Order in Council, revoke such setting apart and declaration in accordance with that resolution.

32. Where, upon reference to the Conservator of Forests and upon consideration of a report in writing by the Conservator of Forests on such proposal, the Governor in Council is satisfied that, having due regard to the objects and purposes of this Act and to the public Land for
tourist
purposes.

interest, it is desirable to make any land comprised in a State Forest, Timber Reserve, National Park or Scenic Area available for the provision of accommodation and recreational facilities, or either of such facilities, for the purpose of encouraging and promoting the tourist industry, the Governor in Council may by Proclamation exclude such land from such State Forest, Timber Reserve, National Park or, as the case may be, Scenic Area.

In any such exclusion due regard shall be had to access and any other matters which are necessary for the proper management of the balance of the State Forest, Timber Reserve, National Park or Scenic Area in question.

Any land so excluded shall become and be Crown land and may be dealt with by the Governor in Council under the provisions of "*The Land Acts, 1910 to 1959*," in such manner as appears to him most appropriate to ensure its use for the purposes for which it was so excluded.

PART IV.—MANAGEMENT OF STATE FORESTS AND TIMBER RESERVES.

Cardinal principle of management of State Forests.

33. The cardinal principle to be observed in the administration of State Forests shall be the permanent reservation of such areas for the purpose of producing timber and associated products in perpetuity and, in carrying out the objects and purposes of this Act, the Conservator of Forests shall use and manage such areas in such manner as appears to him most appropriate to achieve this objective.

Powers of Conservator of Forests in relation to use, &c., of State Forests.

34. (1.) The Conservator of Forests in addition to all other powers conferred by this Act may from time to time for the purposes of the use and management of State Forests—

- (i.) Determine and cause to be put into operation the silvicultural system most suitable to the circumstances of any State Forest;
- (ii.) Make surveys including aerial and assessment surveys;

- (iii.) Subject to the provisions of subsection two of this section, determine, in relation to the period specified in the determination, the maximum quantities of forest products of any kind or description which may be removed from any State Forest or State Forests during such period without impairing the permanent productive capacity of the State Forest or State Forests in question. Any such determination may from time to time be altered, varied or rescinded ;
- (iv.) Make roads and tracks thereon ;
- (v.) Undertake and carry out nursery operations thereon ;
- (vi.) Undertake, carry out and maintain thereon protection works of every kind and description whatsoever ;
- (vii.) Purchase, hire or rent plant, equipment, means or rights of access, or any other thing which he deems necessary ;
- (viii.) Construct, build, erect, operate, or place thereon buildings, structures and other improvements (including but without limiting the generality hereof bridges, fences, fire lookouts, fire sheds, garages, houses, jetties, nurseries, offices, ranches, radio stations, storerooms, water supplies, wharves, workshops, workers' accommodation and telephone lines) and may furnish, equip, repair, improve and maintain the same ;
- (ix.) Let or lease any buildings, structures or other improvements thereon on such terms and conditions as he deems fit.

(2.) Any determination thereof by the Conservator of Forests of the maximum quantities of forest products of any kind or description which may be removed from any State Forest or State Forests during any specified period or any alteration, variation or rescission of any such determination shall be subject to the approval of the Minister.

Minister to
approve
maximum
timber cut.

Upon the approval of any such determination, or any alteration or variation thereof, forest products of any kind or description specified in the determination shall not during the period specified therein be removed

from the State Forest or State Forests in question in excess of the maximum quantities thereof specified in the determination or, in the case of any alteration or variation thereof as aforesaid, in the determination as so altered or varied.

Power of the Conservator of Forests to carry out works on State Forests, notwithstanding lease, license, &c.

(3.) Notwithstanding any lease, license, permit or other right or authority granted under this or any other Act, the Conservator of Forests may within any State Forest from time to time construct, carry out, improve, maintain, operate, protect, control, and otherwise manage any silvicultural or other works of any description whatsoever which he considers necessary or desirable for the proper utilisation and management of the State Forest or to carry out the objects and purposes of this Act (whether in relation to the State Forest or not).

Power of the Conservator of Forests to grant permits with respect to land within State Forests.

35. (1.) With respect to any land comprised in any State Forest the Conservator of Forests may from time to time grant, subject to such provisions, reservations and conditions as he thinks fit—

- (i.) Permits to occupy for a term fixed by the Conservator of Forests but not exceeding seven years (in this Act referred to as "occupation permits"), but so that the area in respect whereof any such occupation permit is granted shall not exceed twenty acres;
- (ii.) Permits to graze stock for a term fixed by the Conservator of Forests but not exceeding seven years (in this Act referred to as "stock grazing permits"); or
- (iii.) Permits for apiary sites for a term fixed by the Conservator of Forests (in this Act referred to as "apiary permits"):

Provided that no permit to which this section relates shall be granted or subjected to any provision or condition unless the Conservator of Forests is satisfied that the objects of this Act would not be thereby prejudiced or opposed.

Special leases of land within State Forests.

(2.) With the consent of the Conservator of Forests and subject to such conditions for the proper use and management of the State Forest as the Conservator of Forests thinks fit to recommend, special leases in respect

of any land within any State Forest may be granted under section one hundred and seventy-nine of "*The Land Acts, 1910 to 1959*," and the provisions of those Acts so far as they are not inconsistent with so much of this Act as relates to State Forests shall extend and apply to all such special leases accordingly :

Provided that no such lease shall be granted or subjected to any condition unless the Governor in Council is satisfied that the objects of this Act would not be thereby prejudiced or opposed.

36. Subject to this Act, a lease or license may be granted under "*The Land Acts, 1910 to 1959*," with respect to any Timber Reserve or any part thereof and for this purpose the land in question shall be deemed to be land reserved under those Acts for public purposes :

Deals with respect to Timber Reserves.

Provided that no lease or license conferring any rights with respect to any land comprised in a Timber Reserve shall be granted, extended, or renewed under "*The Land Acts, 1910 to 1959*," except with the joint approval of the Land Administration Commission and the Conservator of Forests and subject to such conditions for the protection of the Timber Reserve as the Conservator of Forests thinks fit to recommend.

37. (1.) Where any application for a mining lease or petroleum lease or coal-mining lease or a petroleum prospecting permit or coal-mining license over a State Forest or Timber Reserve or any part thereof, is made under the Mining Acts, such application shall, prior to its being dealt with under and in pursuance of such Acts, be submitted to the Conservator of Forests who may consent to the granting of any such application subject to such provisions, reservations and conditions as he deems expedient.

Mining leases over State Forest or Timber Reserve.

If the Conservator of Forests is of the opinion that the granting of such application for a lease, permit or license may cause appreciable damage to the State Forest or Timber Reserve, or if the provisions, reservations and conditions subject to which he requires the grant of the application to be made are not acceptable to the Department of Mines, he shall refer the same to two persons (one of whom shall be nominated by the Minister and the other by the Minister of the Crown for the time being administering the Mining Acts) for inquiry as to whether the public interest would best be

served by refusing the application wholly or in part or by granting the application with or without provisions, reservations and conditions :

Provided always that the final determination as to how the public interest would best be served in the matter of the application shall rest with the Governor in Council. Any such determination shall be in the absolute discretion of the Governor in Council and shall not be subject to any appeal or review in any legal proceedings whatsoever. In the event of the Governor in Council determining that the public interest would best be served by refusing such application then, in every such case, no such lease, permit or license, as the case may be, shall be granted and no further application for such a lease, permit or license in respect of the subject land shall be made within a period of twelve months from the time of such refusal without the written consent of the Minister first had and obtained.

In the event of—

- (a) The Governor in Council determining that the public interest would best be served by granting such application ; or
- (b) The Conservator of Forests consenting to the granting of such application and the provisions, reservations and conditions subject to which he requires the grant to be made being acceptable to the Department of Mines,

then the lease, permit or license, as the case may be, may be granted in accordance with the provisions of the Mining Acts subject however to such provisions, reservations and conditions as the Governor in Council or the Conservator of Forests, as the case may be, may deem expedient.

Grant of
mineral lease
subject to
conditions.

(2.) (a) In the case of any such lease, permit or license over a State Forest or any part thereof the lease, permit or license may be so granted subject to such provisions, reservations and conditions (including conditions as to securing payment to the Conservator of Forests for any loss and any damage to the State Forest and to any works thereon vested in or under the control of the Conservator of Forests) as the Governor in Council or the Conservator of Forests, as the case may be, may

fix for the purpose of the protection of the Conservator of Forests and of the State Forest and all works thereon, if any, vested in or under the control of the Conservator of Forests.

The Governor in Council or the Conservator of Forests, as the case may be, may, in addition to or in lieu of fixing any such conditions, require such sum to be deposited with the Conservator of Forests as will, in his opinion, be sufficient to meet all loss or damage to the State Forest and to all works thereon, if any, vested in or under the control of the Conservator of Forests by reason of the grant of the lease, permit or license.

(b) The lessee or holder of any such lease, permit, or license over a State Forest or any part thereof shall be liable to the Conservator of Forests for any loss and any damage to the State Forest and to any works thereon vested in or under the control of the Conservator of Forests by reason of the grant of the lease, permit, or license and such loss or damage or loss and damage may be recovered by the Conservator of Forests by action as for a debt in any court of competent jurisdiction or as otherwise prescribed.

(3.) The lessee or holder of any such lease, permit or license over a State Forest or any part thereof shall be liable to pay to the Conservator of Forests the stumpage at the rate prescribed for the time being in respect of any timber cut or interfered with in or on the area of any such lease, permit or license, notwithstanding that such timber may have been utilised for the purposes of such lease, permit or license and notwithstanding any provisions of the Mining Acts to the contrary.

Stumpage
on timber
cut on
mining lease
over State
Forest.

(4.) The Mining Acts shall be read subject to the provisions of this section.

38. In the case of a lease or license under "*The Land Acts, 1910 to 1959*," over the whole or part of a State Forest or Timber Reserve, an application by the lessee or licensee for a permit for the destruction of trees on the area comprised in such lease or license shall be referred to the Conservator of Forests and no permit shall be granted by the Land Commissioner except upon the recommendation of the Conservator of Forests and in accordance in all respects with that recommendation.

Permits for
destruction
of trees on
State
Forests and
Timber
Reserves.

Inter-fering with forest products on State Forests, &c.

39. A person shall not interfere with, or cause to be interfered with, any forest products on any State Forest or Timber Reserve except under the authority of and in compliance in every respect with the requirements of a lease, license, permit, agreement or contract granted or made under this Act, "*The Land Acts, 1910 to 1959,*" or the Mining Acts.

Any person guilty of an offence against this section shall be deemed to have committed a forest offence.

This section shall not be applicable to any matter or thing done or step taken by an officer or employee of the Conservator of Forests for the purpose of executing this Act or in the due execution of his powers and duties under this Act.

PART V.—MANAGEMENT OF NATIONAL PARKS AND SCENIC AREAS.

Principle of management of National Parks and Scenic Areas.

40. The cardinal principle to be observed in the management of National Parks and Scenic Areas shall be the permanent preservation, to the greatest possible extent, of their natural condition and the Conservator of Forests shall exercise his powers under this Part of this Act in such manner as appears to him most appropriate to achieve this objective.

Power of the Conservator of Forests to carry out works.

41. Consistent with this Act, the Conservator of Forests may within any National Park or Scenic Area from time to time construct, carry out, improve, maintain, operate, protect, control, and otherwise manage any works, or do any act or make such provision as he considers necessary or desirable for the preservation, proper management, or public enjoyment of that National Park or Scenic Area.

Power to grant special leases.

42. (1.) With the consent of the Conservator of Forests and subject to such conditions for the preservation and protection of the National Park or, as the case may be, Scenic Area as the Conservator of Forests thinks fit to recommend, special leases in respect of any land within any National Park or Scenic Area may be granted under section one hundred and seventy-nine of "*The Land Acts, 1910 to 1959,*" and the provisions of those Acts so far as they are not inconsistent with so much of this Act as relates to National Parks or Scenic Areas shall apply and extend to all such special leases accordingly :

Provided that no such lease shall be granted with or subjected to any condition unless the Governor in Council is satisfied that the objects of this Part of this Act would not be thereby prejudiced or opposed.

(2.) With respect to any land comprised in any National Park or Scenic Area the Conservator of Forests may from time to time grant, subject to such provisions, reservations and conditions as he thinks fit, permits to graze stock for a term fixed by the Conservator of Forests but not exceeding seven years (in this Act referred to as "stock grazing permits"):

Stock
grazing
permits

Provided that no such permit shall be granted or subjected to any provision or condition unless the Conservator of Forests is satisfied that the objects of this Part of this Act would not be thereby prejudiced or opposed.

43. Notwithstanding anything to the contrary contained in any other Act, a person shall not interfere with, or cause to be interfered with, any forest products on any National Park or Scenic Area except under the authority of and in compliance in every respect with the requirements of a permit granted pursuant to this section by the Conservator of Forests.

Interfering
with forest
products on
National
Parks, &c.

Any person guilty of an offence against this section shall be deemed to have committed a forest offence.

For the purposes of this section, the Conservator of Forests may from time to time grant for scientific purposes permits to such persons as he deems fit and subject to such provisions, reservations and conditions as he deems fit.

Permit for
scientific
purposes.

This section shall not be applicable to any matter or thing done or step taken by an officer or employee of the Conservator of Forests for the purpose of executing this Act or in the due execution of his powers and duties under this Act.

PART VI.—CONTROL AND DISPOSAL OF FOREST PRODUCTS AND QUARRY MATERIAL.

44. Unless otherwise indicated or provided, the provisions of every other Act or law (except "*The River Improvement Trust Acts, 1940 to 1959*"), and

Construc-
tion of
other Acts,
&c.

every provision (excepting this Part) of this Act shall be read and construed and shall have operation and effect, subject to this Part of this Act :

Furthermore every ease, license, permit or other authority granted under any Act, whether before, on, or after the commencement of this Act, in relation to any Crown holding or any lease or other entitlement granted under the Mining Acts shall be read and construed so as not to limit the operation and effect of, but so as to be subject to, this Part of this Act :

Provided that no provision of a permit or license under this Part of this Act shall authorise or be deemed to authorise the destruction of any tree contrary to any prohibition against its destruction imposed by or pursuant to "*The River Improvement Trust Acts, 1940 to 1959.*"

Forest products, &c., which are the property of the Crown.

45. Except where otherwise expressly provided by some other Act and without prejudice to the powers of any Local Authority had and exercisable in respect of forest products on any road under its control which powers howsoever shall not be taken to authorise or empower the Local Authority to sell, without the consent of the Conservator of Forests, any such forest products, it is hereby declared that in addition to all forest products on State Forests, Timber Reserves, National Parks and Scenic Areas, the following shall at all times be presumed to be the absolute property of the Crown, unless and until the contrary is proved :—

- (i.) All forest products and quarry material on all Crown lands ;
- (ii.) All forest products and quarry material on all lands reserved for or dedicated to public purposes (including all roads save declared roads within the meaning of section two of "*The Main Roads Acts, 1920 to 1959*");
- (iii.) All forest products on all Agricultural Selections, Perpetual Country Leases, Prickly-pear Selections and Prickly-pear Development Selections granted after the commencement of this Act under "*The Land Acts, 1910 to 1959,*" and on all Miner's Homestead Leases and Miner's Homestead Perpetual Leases granted after the commencement of this Act under "*The Miners' Homestead Leases*

Acts, 1913 to 1957," but only during the first two years of the term of the selection or lease ;

- (iv.) All forest products and quarry material on all Crown holdings other than those specified in paragraph (iii.) of this section at all times ;
- (v.) All forest products on Crown Lands comprised in any lease or other entitlement granted under the Mining Acts.

Nothing in paragraph (v.) of this section shall be read so as to limit the rights under the Mining Acts of the holder of any such lease or other entitlement to get timber thereon subject however to the payment of stumpage pursuant to the provisions of subsection three of section thirty-seven of this Act.

46. (1.) The Conservator of Forests may from time to time under, subject to, and in accordance with the provisions of this Part of this Act sell, on behalf of the Crown, any forest products or quarry material the absolute property of the Crown save forest products on National Parks and Scenic Areas.

Conservator of Forests may sell forest products or quarry material the property of the Crown.

Such a sale may be made to such persons at such prices or at such rates and on such terms and subject to such conditions and reservations as the Conservator of Forests thinks fit, and unless otherwise prescribed the sale may be by auction, tender, or otherwise howsoever according as the Conservator of Forests shall determine at his discretion.

(2.) It shall be deemed to be a condition of every sale by the Conservator of Forests on behalf of the Crown of any forest products or quarry material on any land that the purchaser shall not get from the land the forest products or quarry material the subject of the sale, or any part thereof, except under the authority of and in compliance in every respect with the requirements of a permit authorising such getting granted under this Act (in this Act referred to as a "Sales Permit").

47. (1.) Before selling any forest products or quarry material on or in any Crown holding (other than a lease or license granted under "*The Land Acts, 1910 to 1959,*" of the whole or part of a State Forest or Timber Reserve) or any forest products on or in any lease or other

Sale of forest products on Crown holdings or mining leases.

entitlement granted under the Mining Acts (other than such a lease or other entitlement over or in respect of the whole or part of a State Forest), the Conservator of Forests—

- (i.) Shall submit to the Land Administration Commission or, as the case may be, the Department of Mines his proposals with respect to that sale and obtain the consent of that Commission or, as the case may be, Department thereto; and
- (ii.) If the proposal is for the sale of forest products or quarry material on land comprised in such a Crown holding or of forest products on land comprised in such a lease or other entitlement granted under the Mining Acts, to a person other than the selector, lessee or, as the case may be, holder thereof, and the Land Administration Commission or, as the case may be, the Department of Mines so consents, shall give to that selector, lessee or holder, a notice in writing of his proposal and containing or accompanied by a diagram, description, or other sufficient identification of the land or part thereof whereon or wherein the forest products or quarry material is proposed to be sold and requiring the person to whom the notice is given to lodge in writing, within fourteen days (or such longer period as may be stated in the notice) after the notice is so given, with the Conservator of Forests or Department any objection such person may have to the proposed sale.

(2.) If objection in writing to a proposed sale by the Conservator of Forests of forest products or quarry material is not made in compliance with the requirements of the notice to the selector, lessee or holder as aforesaid, the Conservator of Forests may, having obtained the consent of the Land Administration Commission or, as the case may be, Department of Mines make the sale notwithstanding that the selector, lessee or holder has not consented thereto.

If such an objection is made, the Conservator of Forests shall submit the matter of the proposed sale to the Land Commissioner, or where the land on which the forest products proposed to be sold are situate is a lease or other entitlement granted under the Mining Acts to the Warden, for inquiry thereinto in his court and the making of his recommendation thereon through the Conservator of Forests to the Minister.

(3.) Upon receipt of the Land Commissioner's or, as the case may be, Warden's recommendation the Conservator of Forests shall submit to the Minister that recommendation together with his own recommendation on the matter—

- (i.) That the objection be upheld and the sale of the forest products or quarry material be not proceeded with ; or
- (ii.) That the objection be over-ruled and the sale of the forest products or quarry material, as the case may be, be proceeded with subject to such provisions, conditions and restrictions as he recommends.

(4.) The Minister shall have power to determine the question whether or not the forest products or quarry material should be sold. Minister to determine on sale.

The Minister, if he determines that the forest products or quarry material should be sold, may require that the same shall be sold subject to such provisions, conditions and reservations as he deems proper.

The Minister's determination of the question shall be final and effect shall be given thereto.

(5.) (a) The provisions of "*The Land Acts, 1910 to 1959*," with all necessary adaptations thereof for the purposes hereof, shall apply with respect to every inquiry by any Land Commissioner in his Court under this section as if it were an inquiry by the Land Commissioner under those Acts. Inquiry by Land Commissioner.

(b) The provisions of "*The Mining Acts, 1898 to 1955*," with all necessary adaptations thereof for the purposes hereof, shall apply with respect to every inquiry by any Warden in his court as if it were an inquiry by the Warden under those Acts. Inquiry by Warden.

Power of
the
Conservator
of Forests
to get forest
products.

48. The Conservator of Forests may from time to time get and, at such prices or at such rates and subject to such conditions as he may determine, sell or otherwise dispose of, or cause to be got and sold or otherwise disposed of, any forest products which are the absolute property of the Crown, and for these purposes the Conservator of Forests, or any delegate, officer or employee of the Conservator of Forests, or any other person authorised by, or by any delegate of, the Conservator of Forests—

- (a) May enter and re-enter the land on which such forest products are situate ;
- (b) Establish and carry on thereon such operations and works as the Conservator of Forests thinks fit ; and
- (c) Convey or cause to be conveyed any forest products to any place the Conservator of Forests considers suitable for their better disposal :

Provided that before getting any forest products on any Crown holding or lease or other entitlement granted under the Mining Acts (other than a lease or license granted under “ *The Land Acts, 1910 to 1959,*” over or in respect of the whole or part of any State Forest or Timber Reserve or a lease or other entitlement granted under the Mining Acts over or in respect of the whole or part of a State Forest), the Conservator of Forests shall submit to the Land Administration Commission or, as the case may be, the Department of Mines his proposal with respect to the getting of the forest products and obtain the consent of that Commission or, as the case may be, Department thereto and, if such consent is obtained, shall give to the selector, lessee or, as the case may be, holder of that Crown holding or lease or other entitlement granted under the Mining Acts a notice in writing of the proposal, and the provisions of section forty-seven of this Act, with all necessary adaptations thereof, shall extend with respect to that notice, any objection to the proposal lodged by the selector, lessee or holder and the inquiry thereon and the recommendations and determination therein.

Power to
purchase
forest
products.

49. The Conservator of Forests may from time to time enter into contracts with owners of land whereon forest products or quarry material are not the absolute

property of the Crown for the purchase by the Conservator of Forests of any forest products or quarry material on that land and may get, or enter into such contracts or other arrangements as the Conservator of Forests thinks fit for the getting of, such forest products or quarry material on and from that land by such means as he considers proper.

50. The Conservator of Forests may from time to time enter into contracts, subject to such provisions and conditions as he thinks fit, for the supply by the Conservator of Forests of any forest products or quarry material. Contracts for the supply of forest products.

51. (1.) The Conservator of Forests may from time to time purchase, hire or rent any plant, equipment, means or rights of access, or other thing he deems necessary for the purpose of the getting and proper marketing of any forest products or quarry material, and, subject to any contract in respect thereof, may hire or otherwise make any such thing available for public use. Power to purchase, &c., plant, &c.

(2.) The Conservator of Forests may from time to time construct, improve, maintain or protect, or cause to be constructed, improved, maintained or protected, roads or other means of access necessary for the proper marketing of forest products or quarry material. Power to construct roads.

52. The Conservator of Forests may from time to time subsidise any Department of the Government of this State, any Local Authority, or any person, to the extent he thinks fit in the construction, improvement, maintenance, operation, or protection of roads or other means of access necessary for the proper marketing of any forest products or for the management of any State Forest, Timber Reserve, National Park or Scenic Area. Power to subsidise road works.

Any such subsidy may take the form of a money grant or authority to get any forest products or quarry material as specified in such authority free of charge or at concessional rates or any combination of these.

Interference
with forest
products on
Crown
holdings
and
mining
leases.

53. (1.) A person shall not—

(i.) Destroy or cause to be destroyed any tree, or get or cause to be got any other forest products or any quarry material—

(a) On any Agricultural Selection, Perpetual Country Lease, Prickly-pear Selection or Prickly-pear Development Selection, under “*The Land Acts, 1910 to 1959*,” or any Miner’s Homestead Lease or Miner’s Homestead Perpetual Lease under “*The Miners’ Homestead Leases Acts, 1913 to 1957*,” during the first two years of the term of that selection or lease; or

(b) On any other Crown holding at any time; or

(ii.) Destroy or cause to be destroyed any tree, or get or cause to be got any other forest products on any Crown lands comprised in any lease or other entitlement granted under the Mining Acts,

except under the authority of and in compliance in every respect with the requirements of a permit, lease, license, agreement or contract granted or made under this Act, “*The Land Acts, 1910 to 1959*,” the Mining Acts, or any other Act.

Interfering
with earth
on Crown
holdings.

(2.) No person other than the selector, lessee, licensee or holder thereof or an officer or employee of the Conservator of Forests in the due performance of his duties under this Act shall at any time get or cause to be got any earth or soil on any lands mentioned in subsection one of this section.

Liability
of lessee for
prohibited
act.

(3.) Where on any Crown holding the destruction of any tree or the getting of any other forest products or, as the case may be, any quarry material, earth, or soil is prohibited by this section, then the selector, lessee, or, as the case may be, holder of that Crown holding who allows or permits that prohibited act to be done shall be deemed for the purposes of this section to have done that act and proceedings may be taken against him and he shall be liable as if he had destroyed that tree or got those other forest products or that quarry material, earth or soil, as the case may be, whether or not

proceedings are taken against any other person for destroying that tree or getting such other forest products or quarry material, earth or soil.

54. A person shall not interfere with, or cause to be interfered with, any forest products, any quarry material, or any earth or soil—

Interfering
with forest
products on
Crown
lands, &c.

(i.) On any Crown land ; or

(ii.) On any land reserved for or dedicated to public purposes (including any road, save a declared road within the meaning of section two of "*The Main Roads Acts, 1920 to 1959*"),

except—

(a) Under the authority of any other Act or law ; or

(b) Under the authority of and in compliance in every respect with the requirements of a permit, lease, license, agreement or contract granted or made under this Act.

Nothing in this section shall derogate from or otherwise affect any of the provisions of "*The Main Roads Acts, 1920 to 1959.*"

55. (1.) Licenses may be granted by the Conservator of Forests under, and in accordance with this Act in respect of any land comprised in—

Licenses
to get
forest
products,
&c.

(i.) Any State Forest or Timber Reserve ; or

(ii.) Any Crown land ; or

(iii.) Any land reserved for or dedicated to public purposes (including any road, save a declared road within the meaning of section two of "*The Main Roads Acts, 1920 to 1959,*"); or

(iv.) Any Crown holding other than an Agricultural Selection, Perpetual Country Lease, Prickly-pear Selection or Prickly-pear Development Selection under "*The Land Acts, 1910 to 1959,*" or a Miner's Homestead Lease or Miner's Homestead Perpetual Lease under "*The Miners' Homestead Leases Acts, 1913 to 1957*";

for all or any of the following purposes :—

- (a) To get timber for fuel ;
- (b) To cut and split slabs, fencing material, and shingles ;
- (c) To get stone, gravel, clay or other quarry material ;
- (d) Such other purposes as may be prescribed :

Provided that where the forest products or quarry material in respect of which any such license is proposed to be granted are situated on any Crown holding (other than such a lease or license granted under "*The Land Acts, 1910 to 1959,*" over or in respect of the whole or part of any State Forest or Timber Reserve), notice in writing of the proposal to grant the license shall be given to the Land Administration Commission and the consent of that Commission obtained thereto and, if such consent is obtained, notice in writing shall be given to the selector, lessee, or, as the case may be, holder of that Crown holding, and the provisions of section forty-seven of this Act, with all necessary adaptations thereof, shall extend with respect to that notice, any objection to the proposal lodged by the selector, lessee, or holder and the inquiry thereon and the recommendations and determination therein.

License fees.

(2.) Every such license shall be granted subject to such terms and conditions as the Conservator of Forests deems fit and shall state the purpose for which it is granted and shall be granted subject to the payment by the licensee of such fees, or other moneys as may be prescribed in relation to the materials obtained thereunder and the class to which the license belongs.

Permits, &c.

56. (1.) Subject to this Act, the Conservator of Forests shall have power and authority to grant to or make with any person, exclusively or in common with others, permits, licenses, leases, or other authorities, and agreements or contracts under and for the purposes of this Act, and every permit, license, lease, authority, agreement or contract shall be granted or made subject to the payment by the permittee, licensee, lessee or, as the case may be, the person with whom the agreement or contract is made of such charges, rents, purchase moneys, royalties, stumpages, fees or other

moneys, and to such provisions, conditions and reservations as may be prescribed or, in so far as not prescribed, as the Conservator of Forests may determine :

Provided that no permit, license, lease, other authority, or agreement or contract shall be so granted or made if it is inconsistent with any existing permit, license, lease, other authority, or agreement or contract granted or made by the Conservator of Forests in respect of the same land.

(2.) (a) Any person to whom the powers of the Conservator of Forests conferred by this section have been delegated under section fifteen of this Act shall refuse to grant any permit, license, lease, or other authority, or to make any agreement or contract if thereunto directed by the Conservator of Forests.

(b) If any person to whom the powers of the Conservator of Forests conferred by this section have been delegated under section fifteen of this Act refuses to grant any permit, license, lease, or other authority, or to make any agreement or contract the applicant therefor may within fourteen days after receipt of advice of such refusal require him to refer the matter to the Conservator of Forests for direction.

(3.) Unless otherwise prescribed, every proposed permit, license, lease, and other authority, and every proposed agreement or contract, under this Act may be by auction, tender, or otherwise howsoever according as the Conservator of Forests shall determine at his discretion. Public competition.

57. (1.) A permit or license under this Act shall confer on the permittee or, as the case may be, licensee, subject to this Act and to the conditions and reservations subject to which the permit or license is granted, rights to enter (with such agents, assistants, plant, vehicles, animals, and equipment as are necessary for the purpose for which the permit or license is granted) upon the land in relation to which that permit or license is granted and upon any other Crown land or land comprised in a Crown holding in, into, over, upon and out of which it is necessary to pass for the purpose of exercising or enjoying the aforesaid rights of entry upon the land in relation to which the permit or license is granted and to Power of entry under license or permit.

carry out on the land in relation to which the permit or license is granted, all operations necessary for the purpose for which the permit or license is granted.

Such rights to enter shall include such right of ingress, egress, and regress in, into, over, upon and out of as may be necessary in the circumstances :

Provided that the permittee or licensee shall be liable in damages for any injury done by him or any of his agents or assistants to any cultivated land, crops, or other improvements whatsoever the property of any other person on any land over or on which he so enters or passes.

Power to
direct route
for entry.

(2.) The selector, lessee, or holder of the land, other than the land in relation to which the permit or license is granted, may give directions regarding the route or track by or over which the permittee or licensee shall pass for the purpose of exercising the right of entry conferred by this section in relation to such land, and the permittee or licensee shall comply in all respects with any directions so given unless or until the direction is altered, varied or cancelled by a determination of the Minister under subsection three of this section.

If any dispute arises as to the necessity of entry upon such land for the purpose of giving effect to this section or as to the route or track by or over which the right of entry shall be exercised, the matter shall be submitted by the Conservator of Forests to the Land Commissioner for inquiry thereinto in his Court and the making of his recommendation thereon through the Conservator of Forests to the Minister.

Upon receipt of the Land Commissioner's recommendation the Conservator of Forests shall submit to the Minister that recommendation together with his own recommendation on the matter.

Minister to
determine
dispute.

(3.) The Minister shall have power to determine the question whether or not entry upon the land in question is necessary for the purposes of giving effect to this section, and, if he decides that question in the affirmative, or if the matter of the necessity of entry is not in dispute, the question as to the route or track by or over which the right of entry shall be exercised.

The Minister, if he determines that entry is necessary upon the land in question, may require the right of entry be exercised subject to such conditions and reservations as he deems proper and by or over such route or track as he may direct.

The Minister, if he determines the route or track by or over which the right of entry over the land in question shall be exercised, may require such right be exercised subject to such conditions and reservations as he deems proper.

The Minister's determination of any such question shall be final and the terms thereof shall be complied with in all respects by the parties to the dispute.

58. (1.) (a) Every permit, license, lease, or other authority, and every agreement or contract granted or made under this Act shall be deemed to be granted or made subject to the power of the Conservator of Forests to cancel or suspend, according to his discretion, that permit, license, or other authority, or to forfeit that lease, or to cancel that contract or agreement on the failure by the holder of the permit, license, or lease or other authority, or, as the case may be, the person with whom the agreement or contract is made, or the assignee of any such person, to comply with any provision of this Act or of "*The Rural Fires Acts, 1946 to 1958,*" or with any provision, condition, or restriction subject to which the same was granted or, as the case may be, made.

Power to
cancel,
suspend,
permit,
license, &c.

(b) The fixing of any condition for any agreement, contract, permit, license, lease or other authority with respect to payment for money due to the Conservator of Forests whether in respect of the sale of any forest products or quarry material or in respect of any royalty or stumpage on any forest products or quarry material or as compensation for any loss or any damage resulting from the acts or omissions of the permittee, licensee, lessee or holder or, as the case may be, the person with whom the agreement or contract is made or the assignee of any such person or otherwise howsoever, or any failure to observe or enforce that condition or any part thereof shall not prejudice or otherwise affect the recovery by the Conservator of Forests of all money owing to the Conservator of Forests

by that permittee, licensee, lessee or holder or, as the case may be, the person with whom the agreement or contract is made or the assignee of any such person and with respect to which that condition was fixed.

Cancellation
or
suspension
of
agreements,
&c.

(c) The Conservator of Forests may forfeit any lease, or cancel or suspend any agreement, contract, permit, license, or other authority granted or made under this Act for failure by the holder of that lease, permit, license, or other authority or, as the case may be, the person with whom the agreement or contract is made or the assignee of any such person to comply with any provision, condition, or restriction subject to which the same was granted notwithstanding that such holder or, as the case may be, the person with whom the agreement or contract is made or the assignee of any such person has not been proceeded against for any offence constituted by such failure.

Power to
suspend
conditions
of
agreements.

(2.) The Conservator of Forests may, in the case of any agreement, contract, permit, license, lease, or other authority granted or made under this Act, suspend on such conditions and for such periods as may be prescribed, or in so far as are not prescribed as he may determine, the obligations of the holder or, as the case may be, the person with whom the agreement or contract is made or the assignee of any such person thereof to observe any provisions or conditions subject to which the same is or is deemed to be granted or made, except the obligation for payment of any moneys thereunder.

Suspension
of
agreements,
&c., during
fire hazard.

(3.) Where the Conservator of Forests is of the opinion that a state of high fire hazard exists in the whole or part of any State Forest, he may, by notice in writing, suspend for such period as he deems expedient, any agreement, contract, permit, license, or other authority made or granted under this Act in relation to the State Forest or part thereof in question.

Notwithstanding the provisions of subsection four of this section, the period during which such agreement, contract, permit, license, or other authority would ordinarily remain in force shall be extended for a period equal to the period of such suspension.

(4.) Suspension under this Act of any agreement, contract, permit, license, or other authority—

Effect of suspension of agreement, &c.

- (i.) Shall, whilst such agreement, contract, permit, license, or other authority is so suspended, have the same effect as the cancellation thereof; and
- (ii.) (If the period of such suspension is less than the period during which that agreement, contract, permit, license, or other authority ordinarily would have remained in force) shall not, unless the Conservator of Forests otherwise directs, upon the termination of that suspension, extend the period during which that agreement, contract, permit, license, or other authority thereafter remains in force beyond the period during which that agreement, contract, permit, license, or other authority would have remained in force if it had not been suspended.

(5.) On forfeiture of a lease or cancellation of an agreement, contract, permit, license, or other authority, the lease, agreement, contract, permit, license, or other authority affected thereby and, unless otherwise determined by the Conservator of Forests, all rights, interests, and privileges thereunder shall absolutely cease and determine.

Rights to cease on forfeiture.

(6.) Without limiting the mode of forfeiting a lease or cancelling or suspending an agreement, contract, permit, license, or other authority, any lease may be forfeited and any agreement, contract, permit, license, or other authority may be cancelled or suspended by notice published in the *Gazette*.

Cancellation, suspension may be published in *Gazette*.

(7.) When under this Act a lease is forfeited or an agreement, contract, permit, license, or other authority is cancelled or suspended, the person to or with whom that lease, agreement, contract, permit, license, or other authority was granted or made shall not be entitled to claim or receive any compensation in respect of such forfeiture, suspension, or cancellation, or any expense he may have incurred in acting or with a view to taking action under that lease, agreement, contract, permit, license, or authority.

No compensation on forfeiture.

Transfer of permits, &c.

59. (1.) No lease, agreement, contract, permit, license, or other authority granted or made under this Act shall be assigned or transferred, except with the consent in writing of the Conservator of Forests.

Surrender of permits, &c.

(2.) The Conservator of Forests may accept a surrender, on such conditions as the Conservator of Forests may determine, of any lease, agreement, contract, permit, license, or other authority granted under this Act.

Failure to comply with provisions of lease, &c.

60. Any person who fails to comply in any respect with any provision, condition, or restriction subject to which any lease, agreement, contract, permit, license, or other authority is granted or made under this Act shall be guilty of an offence against this Act.

This section shall be in addition to and not in diminution of or in substitution for any other provision of this Act.

Removal of forest products.

61. (1.) All forest products and quarry material obtained under the authority of an agreement, contract, permit, license, or authority granted or made under this Act shall be removed from the area to which the agreement, contract, permit, license, or authority applies during the currency of such agreement, contract, permit, license, or authority, on such conditions, if any, as the Conservator of Forests may deem fit to impose and are specified in the agreement, contract, permit, license, or, as the case may be, authority :

Provided that the Conservator of Forests may grant an extension or further extension of the time as aforesaid for the removal of the forest products or quarry material in which event the same shall be removed before that extended time expires.

(2.) Any forest products and quarry material not removed as required by subsection one of this section shall be deemed to be forfeited to the Crown.

(3.) A person shall not without the written authority of a forest officer remove from any land any forest products or quarry material got under the authority of any agreement, contract, permit, license, or other right or authority granted or made under this Act without previously paying the proper royalty, stumpage or other fees or charges, if any, payable in respect thereof.

(4.) All forest products and quarry material sold, cut, or got, upon which any purchase moneys, royalties, stumpages or charges are payable under this Act, shall, until payment thereof, remain the property of the Crown, and may be seized and detained or removed by any forest officer until such purchase moneys, royalties, stumpages and charges have been paid, and in default of payment within one month of seizure may, by direction of the Minister, be disposed of.

PART VII.—CONTROL AND PROHIBITION OF FIRES ON STATE FORESTS, TIMBER RESERVES, NATIONAL PARKS AND SCENIC AREAS.

62. A person, other than an officer or employee of the Conservator of Forests acting in the performance of his duties under this Act, shall not at any time light, maintain or use or cause, permit or suffer to be lit, maintained or used, a fire on any land within any State Forest, Timber Reserve, National Park or Scenic Area for the purpose of, or which is likely to have the effect of, burning off or clearing any vegetation on or from the land within the State Forest, Timber Reserve, National Park or Scenic Area except in accordance with an authority given by a permit obtained from the Fire Warden under "*The Rural Fires Acts, 1946 to 1958,*" and then remaining in force.

Control of
fires on
State
Forests, &c.

Any person guilty of an offence against any provision of this section shall be deemed to have committed a forest offence.

Any person who is convicted of an offence against this section may on conviction, in addition to the penalty imposed, be ordered by the court to pay to the Conservator of Forests in respect of any damage or injury and the costs of controlling and extinguishing any fire occasioned or caused by the commission of such offence, such amount as is fixed by the court after taking the evidence on oath of a forest officer as to the nature and extent of such damage or injury and costs of controlling or extinguishing the fire and, in default of payment thereof, such amount may be recovered in the same way as a pecuniary penalty.

The provisions of this section shall be in addition to and not in diminution of or substitution for the provisions of any other enactment of this Act.

Duty of
lessee of
State
Forest, &c.

63. (1.) Every person holding any lease, license, permit or other authority or entitled to any right or privilege under an agreement or contract granted or made under this or any other Act over or in respect of the whole or any part of any State Forest, Timber Reserve, National Park or Scenic Area or the forest products thereon (hereinafter in this section referred to as the "holder"), shall at his own cost and expense—

- (a) At all times make all reasonable provision for preventing, detecting, controlling and extinguishing bush, grass, or other rural fires on the State Forest, Timber Reserve, National Park or Scenic Area or, as the case may be, part thereof, over or in respect whereof or the forest products thereon, the lease, license, permit, authority, agreement or contract was so granted or made; and
- (b) On becoming aware of any fire burning on the State Forest, Timber Reserve, National Park or Scenic Area, or as the case may be part thereof as aforesaid, or burning elsewhere, which is likely to spread to such State Forest, Timber Reserve, National Park or Scenic Area, or as the case may be part thereof (such not being a fire authorised under the provisions of "*The Rural Fires Acts, 1946 to 1958*"), promptly do everything reasonably within his power to extinguish the fire whether or not there is immediate danger of it causing damage, and shall forthwith cause the nearest forest officer or employee of the Conservator of Forests to be notified of the fire and of the measures taken by him to extinguish the same, and if, at the time of so notifying the forest officer or employee of the Conservator of Forests, the fire is not extinguished, he shall continue so far as possible to control and endeavour to extinguish the fire until it is brought under control or extinguished or until he obtains the approval of the forest officer or employee of the Conservator of Forests to desist.

For the purposes of paragraph (b) of this subsection one, the term "holder" shall include any agent, manager, foreman or other person whomsoever acting in the general management or control of the business of the holder carried on, in or on the State Forest, Timber Reserve, National Park or Scenic Area, or part thereof as aforesaid (hereinafter in this section referred to as the "agent").

(2.) Any person refusing, neglecting or failing to comply with the provisions of this section shall be guilty of an offence against this Act and shall be deemed to have committed a forest offence.

(3.) Any holder or agent who makes a false statement as to his whereabouts or makes a statement knowing the same to be false as to the whereabouts of any of the employees or agents of the holder at the time of the outbreak of any such fire shall be guilty of an offence against this Act.

False
statements
as to
whereabouts.

(4.) Nothing contained in this section shall be read as to relieve any person from any liability or obligation to which he may be subject under his lease, agreement, contract, permit, license, other authority, or under any other Act or law, and the provisions of this section shall be read as in addition to and not in derogation from the provisions of any other Act.

64. Where any person convicted of an offence against any provision of "*The Rural Fires Acts, 1946 to 1958*," or of section sixty-two or section sixty-three of this Act, was, at the time when the offence was committed, the holder of any permit, license, or lease granted, or the person entitled for the time being to the benefit of any agreement or contract made, under "*The Land Acts, 1910 to 1959*," or this Act over or in respect of the whole or part of any State Forest, Timber Reserve, National Park or Scenic Area or the forest products thereon, which permit, license, lease, agreement or contract has, subsequent to such conviction, been forfeited or cancelled, the Minister may, by writing under his hand, direct that such person shall not be capable of holding any permit, license or lease, or of entering into or being entitled to the benefits of any agreement or contract under "*The Land Acts, 1910 to 1959*," or this Act, over or with respect to the whole or part of any State Forest,

Certain
person to be
incapable of
holding
permits, &c.

Timber Reserve, National Park or Scenic Area whatsoever or the forest products thereon, for such period, not exceeding five years, as shall be specified in the direction :

Provided that where the Minister is not the Minister of the Crown administering "*The Land Acts, 1910 to 1959,*" he shall not give any such direction in relation to the said Acts, but the Minister of the Crown administering the said Acts may, upon the recommendation of the Minister, by writing under his hand, direct that the person aforesaid shall not be capable of holding any such permit, license or lease, under "*The Land Acts, 1910 to 1959.*"

A permit, license or lease shall not be granted nor an agreement or contract made, under "*The Land Acts, 1910 to 1959,*" or this Act, over or with respect to the whole or part of any State Forest, Timber Reserve, National Park or Scenic Area whatsoever or the forest products thereon, to or with any person with respect to whom such a direction has been made or given, during the period for which the direction remains in force.

Any such direction may, at any time and from time to time, be varied, altered or rescinded by the giver thereof or his successor in office.

Control of
fires on
lands
adjoining
State
Forest, &c.

65. (1.) Where any officer or employee of the Conservator of Forests discovers any fire burning within one mile of any State Forest, Timber Reserve, National Park or Scenic Area, and the officer or employee is of the opinion that such fire is likely to spread to and cause damage to the State Forest, Timber Reserve, National Park or Scenic Area, he may (with such assistants, plant, vehicles, animals and equipment as are necessary for the purpose) enter upon the land on which such fire is burning and perform any acts necessary to control and extinguish the fire. No liability shall attach to the Conservator of Forests, or any officer or employee of the Conservator of Forests in respect of any loss or damage to property occasioned by any person as aforesaid in the exercise in good faith of his powers, pursuant to this section, in connection with any fire but any damage shall be deemed to be damage by a fire within the meaning of any policy of insurance against fire covering the damaged property and every such policy of insurance

whether issued before or after the commencement of this Act shall notwithstanding anything therein contained be read and construed accordingly.

(2.) Where it is established that the owner or occupier of the land on which the fire was burning, or his agent or employee, was responsible for the lighting of such fire and a permit for the lighting thereof had not been obtained by the owner or occupier as required by the provisions of "*The Rural Fires Acts, 1946 to 1958*," or where the fire had been lit contrary to the authority conferred by such a permit, then the Conservator of Forests may recover from the owner or occupier of the land on which the fire was burning, in any Court of competent jurisdiction, all reasonable expenses incurred by such officer or employee in controlling and extinguishing such fire (including, but without limiting the generality hereof, salaries and wages of officers and employees and compensation for the use of plant, vehicles and equipment).

Recovery of expenses incurred in extinguishing fires.

The provisions of this subsection shall be in addition to and not in diminution of or substitution for the provisions of any other enactment of this Act.

(3.) For the purpose of the exercise and performance by a forest officer or employee of the Conservator of Forests of the powers, functions and authorities conferred upon him by this section, such forest officer or employee shall be deemed to be the first officer of a bush fire brigade under and within the meaning of "*The Rural Fires Acts, 1946 to 1958*," and shall have and may exercise all the powers, functions and authorities conferred upon the said first officer by the said Acts.

Forest officer deemed to be first officer of bush fire brigade.

66. A person shall not within any State Forest, Timber Reserve, National Park or Scenic Area throw, drop, place or leave any lighted match, pipe ashes, lighted cigar, lighted tobacco, lighted cigarette or any burning or smouldering substance within ten yards of any inflammable material.

Lighted match, &c., not to be dropped near inflammable material.

67. (1.) A person shall not at any time light, maintain or use or cause to be lit, maintained or used, any fire in the open air, other than in a properly constructed fire place provided on any State Forest, Timber Reserve, National Park or Scenic Area for the purpose of a camp, billy or other like fire,

Lighting of small fires on State Forests, &c.

unless a space of ground immediately around the site of the fire of a width of six feet at least in all parts, or, where in any prescribed locality or localities or on any prescribed land a greater width is prescribed, then of that width at least in all parts, has previous to the lighting of the fire been cleared and is then clear of all inflammable material.

(2.) A person, having lit, maintained or used any fire referred to in subsection one of this section, shall not leave the same unattended temporarily or otherwise without completely extinguishing that fire.

Co-operative
burnings.

68. The Conservator of Forests may on any property, the nearest boundaries of which are within one mile of any State Forest, Timber Reserve, National Park or Scenic Area, join with the owner or occupier of such property, or render such assistance as the Conservator of Forests deems fit, in carrying out any burning operations which have been duly authorised under "*The Rural Fires Acts, 1946 to 1958.*"

Forfeiture
of certain
leases, &c.

69. (1.) Where the Minister is satisfied that, by reason of the failure to comply with any of the provisions of "*The Rural Fires Acts, 1946 to 1958,*" or Part VII. of this Act by any person to whom has been granted, or who is the holder of, any lease, license, permit, or other authority granted, whether before or after the commencement of this Act, under any Act over or in respect of the whole or part of any State Forest, Timber Reserve, National Park or Scenic Area, the continuance in force of that lease, license, permit, or other authority is prejudicial to the objects of this Act and is detrimental to the public interest, he may so advise the Minister of the Crown administering the Act under which the lease, license, permit, or other authority is granted.

(2.) Where a Minister has been so advised as aforesaid, the Governor in Council or other authority by whom the lease, license, permit, or other authority is granted may, upon the recommendation of the Minister so advised and notwithstanding anything to the contrary contained in any Act, forfeit that lease or cancel or suspend that license, permit, or other authority.

The provisions of subsections five, six and seven of section fifty-eight of this Act shall with all necessary adaptations be applicable to any such forfeiture, cancellation or suspension.

PART VIII.—MISCELLANEOUS.

70. The Conservator of Forests may from time to time grant permits to such persons as he deems fit and subject to such provisions, conditions and reservations as he deems fit, authorising the destruction of trees on roads (save declared roads within the meaning of section two of “*The Main Roads Acts, 1920 to 1959*”).

Destruction
of trees on
roads.

71. For the purposes of the provisions of “*The Local Government Acts, 1936 to 1958*,” relating to impounding, the Conservator of Forests shall be deemed to be the owner of State Forests, Timber Reserves, National Parks and Scenic Areas :

Impounding.

Provided that the provisions of this section shall not prejudice the provisions of section seventy-two of this Act nor any rights conferred by any Act or law upon the occupier of any Crown holding within, or the holder of any license over, any such areas.

72. The Conservator of Forests shall have power to destroy or sell or dispose of otherwise or deal with howsoever any stock found on any State Forest, Timber Reserve, National Park or Scenic Area and which are unbranded or have no reputed or apparent owner.

Wild stock.

The proceeds of the sale of any such stock shall be paid to Consolidated Revenue.

73. Any person who, except under the authority of and in compliance in every respect with a permit or license or other right or authority granted under this Act, or a lease, license, or other authority from the Crown, on any State Forest, Timber Reserve, National Park or Scenic Area—

Unlawfully
using State
Forests, &c.

- (i.) Depastures any stock ; or
- (ii.) Occupies, resides upon, or encloses any land, or erects any hut or other structure whatsoever or grows crops upon any land, or clears or breaks up any land for cultivation or for any other purpose ; or
- (iii.) Places any beehives ; or
- (iv.) Traverses any part of such area with vehicles, teams, horses, or other animals,

shall be guilty of an offence, which shall be deemed to be a forest offence, against this Act.

The Conservator of Forests may from time to time grant permits for the purposes of paragraph (iv.) of this section to such persons as he deems fit and subject to such provisions, reservations and conditions as he deems fit.

Un-
authorised
building,
&c., within
State
Forest, &c.

74. (1.) When any building, hut, tramline, fence, dam, weir, standing crop, or any other thing is found within a State Forest, Timber Reserve, National Park or Scenic Area and—

(i.) The owner or occupier thereof does not on demand produce any lease, license, permit, or other authority therefor; or

(ii.) After reasonable enquiries made by a forest officer the owner or occupier thereof cannot be ascertained or cannot be found,

then on the hearing of the complaint by a forest officer acting with the authority of the Conservator of Forests, any court of petty sessions may fix a time within which such building, hut, tramline, fence, dam, weir, crop, or other thing shall be removed.

Un-
authorised
building to
become
property of
Crown.

(2.) If such removal is not effected within the time so fixed, such building, hut, tramline, fence, dam, weir, crop, or other thing shall become the property of the Crown and may be disposed of or otherwise dealt with as the Conservator of Forests may direct.

Service of
order for
removal of
buildings,
&c.

(3.) In any case where after such enquiries by a forest officer as aforesaid an owner or occupier has not been ascertained or has not been found, the order of the court of petty sessions fixing the time for removal of the building, hut, tramline, fence, dam, weir, crop, or other thing shall, within a period fixed by the court for that purpose, be posted on some conspicuous part of the land on which the building, hut, tramline, fence, dam, weir, crop, or other thing is situated and no other service or publication of that order need be made or given.

Removal of
trespassers.

75. Any forest officer who has reason to believe that any person is in unlawful occupation of any State Forest, Timber Reserve, National Park or Scenic Area, or part thereof, may make complaint before justices, who shall hear and determine the matter in a summary way, and, on being satisfied of the truth of the complaint, shall issue their warrant, addressed

to any member of the Police Force of this State, requiring him forthwith to remove such person from such land, and to take possession of the same on behalf of the Crown, and the person to whom the warrant is addressed shall forthwith carry the same into execution.

76. (1.) Whenever he deems it so necessary or desirable, the Minister may, by notification in the *Gazette*, prescribe that no person shall, while the notification remains in force, enter in or on or remain within the State Forest or Timber Reserve specified in the notification or, in the case where a part only of the State Forest or Timber Reserve is specified in such a notification, the part thereof so specified, except under and in accordance with a permit granted by the Conservator of Forests for the purposes of this section. Entry on to reserves may be prohibited.

The Minister may at any time likewise revoke or vary any previous notification.

(2.) Any person who contravenes or fails to comply with any notification in force under subsection one of this section shall be guilty of an offence, which shall be deemed a forest offence, against this Act.

(3.) The Conservator of Forests may from time to time grant subject to such conditions as he thinks fit permits for the purposes of this section.

(4.) The provisions of this section shall be in addition to and not in derogation from any other provisions of this Act.

77. Any person found within any State Forest, Timber Reserve, National Park, Scenic Area, reserve for public purposes, Crown land, or Crown holding, the forest products or quarry material whereon are the property of the Crown, or in the vicinity thereof, and having in his possession any forest products, quarry material, or earth, who on being thereunto required by a forest officer, refuses or otherwise fails to give an account to the satisfaction of such officer of the manner in which he became possessed of such forest products, quarry material, or earth, shall be deemed to have got the same on or from that State Forest, Timber Reserve, National Park, Scenic Area, reserve for public purposes, Persons found in possession of forest products.

Crown land, or, as the case may be, Crown holding in contravention of the provisions of this Act, and shall be guilty of an offence against this Act, unless he satisfies the court to the contrary.

Receiving
forest
products.

78. Any person who receives any forest products or quarry material, the getting of which is an offence against this Act, knowing the same to have been so got shall be guilty of an offence, which shall be deemed to be a forest offence, against this Act.

Sub-
purchase.

79. Every purchaser of forest products, quarry material, or earth from a person holding an agreement or a contract or permit, license, or other right or authority made or granted under this Act shall be deemed to have purchased the same subject to the terms and provisions, conditions, and reservations of such agreement, contract, permit, license, or, as the case may be, other right or authority and with notice thereof.

Accounts
of forest
products.

80. Every purchaser of forest products or quarry material under this Act shall keep such books and accounts and shall furnish such returns concerning the forest products or quarry material got as are required by the Conservator of Forests, and shall permit any forest officer to have access at all reasonable times to all such books and accounts and to all documents and writing relating thereto and to take copies thereof and extracts therefrom. The Conservator of Forests may require such returns to be verified by statutory declaration as to the truth or correctness thereof.

Power to
enter land.

81. Any officer or any employee of the Conservator of Forests or any other person authorised by the Conservator of Forests by writing so to do, may for the purposes of this Act, without any previous notice—

- (i.) Enter upon any land whatsoever for the purpose of inspecting any forest products thereupon, whether growing or otherwise, or for giving effect to any of the provisions of this Act and upon such entry carry out such purpose ;
- (ii.) Upon such entry, make surveys and examine any timber or other forest products and any quarry material thereupon ;

- (iii.) Upon such entry, do anything necessary for ascertaining the suitability of the land for any forestry purposes.

82. (1.) Any forest officer may, if he has reason to believe that any forest products, quarry material, or earth, have been got or otherwise interfered with contrary to the provisions of this Act, or having been so got or otherwise interfered with have been abandoned, enter upon any place and seize such forest product, quarry material, or earth. Seizure and forfeiture of timber, &c.

(2.) When any timber has been seized under this section the forest officer making such seizure shall brand the timber with the prescribed brand and any timber so branded shall be deemed to be in the custody and possession of that forest officer pending proceedings or until the forest officer cancels the brand in the prescribed manner. Branding of seized timber.

(3.) When any forest products (other than timber), quarry material, or earth have been seized under this section the forest officer making such seizure may, in lieu of detaining and removing the same, place in a conspicuous position upon any such forest products, quarry material or earth, a notice in the prescribed form, or a form to the like effect, signed by him and specifying so as to sufficiently identify it, the forest products, quarry material, or earth seized and the place wherein or whereon it is situated at the time of seizure and the date and time of such seizure and thereupon any such forest products, quarry material, or earth shall be deemed to be in the custody and possession of that forest officer pending proceedings or until that forest officer by notice placed in the manner as aforesaid notifies that he has gone out of possession of such forest products, quarry material, or earth.

(4.) The forest officer making such seizure shall forthwith give notice in writing thereof to the person in possession of, or reasonably believed to claim possession of, such timber, or other forest products, quarry material, or earth where such person can after reasonable enquiries be ascertained or found, and shall cause a copy of such notice to be displayed at the office of a clerk of petty sessions within the petty sessions district wherein such seizure was made : Notice of seizure.

Provided that nothing in this subsection shall require the giving or displaying of such a notice when the person to whom that notice would otherwise be required to be given, was present at the time and place of such seizure.

Claim for
seized
timber.

(5.) Any person claiming to be entitled to such timber, or other forest products, quarry material, or earth, may, within fourteen days after such seizure, apply to a court of petty sessions within the petty sessions district wherein the seizure was made for an order that such timber, or other forest products, quarry material, or earth, be returned to him, and the court may hear and determine such application, and may either confirm wholly or in part or disallow the seizure and may make such order thereon as it deems just according as the court is satisfied that the person has established his entitlement or otherwise.

An application under this subsection shall be heard and determined in a summary manner under "*The Justices Acts, 1886 to 1958*," and the court shall have all the powers, authorities, immunities, and protection (including the power to adjourn the proceedings), so far as applicable, conferred upon justices under those Acts :

Provided that any order (save in so far as the order confirms wholly or in part the seizure) made by the court shall not be a bar to the right of any person to recover the quarry material, earth, timber, or other forest products by action from the person to whom it may be delivered by virtue of the order.

Forfeiture
of seized
timber.

(6.) If no such application is made within the prescribed time or if the seizure is confirmed then to the extent of such confirmation, the timber, or other forest products, quarry material, or earth shall be forfeited and become the property of the Crown.

Interference
with seized
timber.

(7.) Every person who without authority alters, uses, interferes with, or removes or disposes of in any way any timber or other forest products, quarry material, or earth seized under this section or attempts to do any such act whilst it is, or pursuant to this section is deemed to be, in the custody and possession of a forest officer shall be guilty of an offence against this Act and shall be deemed to have committed a forest offence.

The provisions of this subsection seven shall not derogate from or otherwise affect the provisions of section eighty-six of this Act.

(8.) Any forest officer, or any employee of the Conservator of Forests, or other person authorised by the Conservator of Forests by writing so to do, may (with such assistants, plant, vehicles, animals, and equipment as may be necessary for the purpose) enter upon any place and thereon or therein remain and do and take all such things and steps as will enable him to obtain and remove the timber, or other forest products, quarry material, or earth, which, pursuant to this section, have been seized or have become and remain the property of the Crown.

Entry for removal of seized timber.

Such power of entry shall include such right of ingress, egress, and regress as may be necessary in the circumstances.

(9.) Any of the circumstances under which timber, or other forest products, quarry material, or earth shall, for the purposes of this Act, be deemed to be abandoned may be prescribed by the regulations.

Abandoned forest products.

(10.) A forest officer may seize any beehive or beehives which have been placed on a State Forest, National Park or Scenic Area otherwise than under the authority of a permit granted under this Act, and may remove such beehive or beehives from such State Forest, National Park or Scenic Area and may sell or otherwise dispose of the same. The proceeds, if any, of such sale or disposal shall be paid into Consolidated Revenue.

Seizure of beehives.

(11.) The provisions of this section shall be in addition to and not in diminution of or substitution for any other provisions of this Act.

83. (1.) Forest products, quarry material, or earth forfeited under this Act shall be dealt with or disposed of as the Conservator of Forests may direct.

Power of the Conservator of Forests to deal with forest products forfeited.

(2.) Any such forfeiture, dealing with, or disposal shall not confer upon any person any right to compensation.

(3.) The provisions of this section or any other provision of this Act relating to the seizure, detention, removal, or forfeiture of any forest products, quarry material, or earth, shall not prejudice the rights of the

Saving of Crown rights in respect of forest products.

Crown with respect to any forest products, quarry material, or earth which are the property of the Crown, and any such right may be exercised at any time by the Crown anything to the contrary in this Act notwithstanding.

Matters may be completed by different officers.

84. (1.) If an officer has issued any order or given any direction or notice or made any request or taken any action under this Act, he or any other officer who is empowered by this Act to issue, give, or make a like order, direction, notice, or request, or, as the case may be, to take any like action, may at any time (and shall if so directed by the Conservator of Forests) withdraw or revoke or from time to time vary the order, direction, notice, request, or action, or take further steps thereon.

Prevention of breach of Act.

(2.) Any officer may, without further warrant or authority than this subsection, summarily interfere to prevent any actual or attempted breach of this Act.

Certificates of appointment.

(3.) (a) Every officer shall be furnished with a certificate of appointment, signed by either the Conservator of Forests or the Secretary and upon entering any place for the purposes of this Act shall, if required, produce such certificate to the occupier of the place.

(b) Every employee of the Conservator of Forests or other person authorised by the Conservator of Forests to enter upon any place for the purposes of this Act shall, if required, produce his authority to the occupier of the place.

Owners and occupiers to give all reasonable assistance.

85. The owner or occupier of any place and a person in charge or apparently in charge of any place shall furnish to any officer or other person acting under lawful authority under or pursuant to this Act, all reasonable assistance and all such information which he is capable of furnishing or as required by that officer or person with respect to the exercise of his powers and the discharge of his duties under this Act.

Obstruction of officer, &c.

86. (1.) A person shall not—

(i.) Assault, obstruct, hinder, threaten, abuse, insult, or intimidate any officer or employee of the Conservator of Forests in the exercise

- of his powers or the discharge of his duties under this Act, or offer or attempt, or invite or encourage any other person, so to do ; or
- (ii.) Fail to facilitate by all reasonable means the entry and inspection of any place by any officer or employee of the Conservator of Forests ; or
 - (iii.) Refuse to allow to be removed, seized, or detained under this Act, any forest products, quarry material, or earth ; or
 - (iv.) Take, retake, remove, or otherwise interfere with, or attempt to take, retake, remove, or otherwise interfere with, forest products, quarry material, or earth removed, seized, or detained under this Act ; or
 - (v.) When required by or under this Act to furnish any assistance or to furnish any information to an officer or employee of the Conservator of Forests fail to furnish that assistance or information, as the case may be, or, in the latter case, furnish information which is in any respect false or misleading ; or
 - (vi.) Fail, without reasonable excuse, the proof whereof shall lie upon him, to produce any license, permit, or other authority, book, notice, record, list, document, or writing which he is required under this Act by an officer or employee of the Conservator of Forests to produce, or fail to allow an officer or employee of the Conservator of Forests to take a copy of or extract from any such license, permit, or other authority, book, notice, record, list, document, or writing ; or
 - (vii.) Fail to comply with the lawful requisition or any part of the lawful requisition of any officer or employee of the Conservator of Forests ; or
 - (viii.) Give or agree to give or offer to any officer or employee of the Conservator of Forests any gift or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown by such

officer or employee in or in relation to the exercise of his powers or the discharge of his duties under this Act: (For the purpose of this paragraph, a gift or consideration shall be deemed to be given as an inducement or reward if the receipt or any expectation thereof would be in any way likely to influence the officer or employee to do or leave undone something contrary to his duty); or

- (ix.) Knowingly furnish any officer with a false or incorrect statement of any forest products, quarry material, or earth got by him or by any person as his agent or employee on which royalties, stumpage, fees, charges, or other moneys whatsoever are payable to the Crown or the Conservator of Forests; or
- (x.) Without lawful authority, the proof whereof shall lie upon him, take, destroy, damage, or otherwise interfere with or cause to be taken, destroyed, or otherwise interfered with any buildings, fences, gates, roads, tracks, works, notices, materials, tools, goods, or chattels of any nature vested in the Conservator of Forests and being on any State Forest, Timber Reserve, National Park or Scenic Area.

Person not obliged to criminate himself.

(2.) No person shall be obliged under this Act to answer any question, or give any information or evidence, or to sign any declaration tending to criminate himself.

(3.) In this section the term "officer" includes any person acting under lawful authority under or pursuant to this Act.

Forgery of license, &c., and other offences.

87. A person shall not—

- (i.) Forge or counterfeit any license, permit, certificate, or other authority granted under and for the purposes of this Act; or
- (ii.) Utter, or make use of any such license, permit, certificate, or other authority so forged or counterfeited; or

- (iii.) Counterfeit or unlawfully fix to any forest products any mark used by and appropriated for the use of forest officers, or unlawfully alter, remove, disfigure, or obliterate any mark placed upon any forest products by any forest officer ; or
- (iv.) Without due authority, make or cause to be made, or use or cause to be used, or have in his possession, a brand or stamp which resembles or purports to be a brand or stamp such as is usually used by forest officers ; or
- (v.) Unlawfully alter, obliterate, deface, pull up, remove, or destroy any boundary-mark or any notice which has been posted in any place for the purposes of this Act ;
- (vi.) Personate any person named in any license, permit, certificate, or other authority granted under and for the purposes of this Act ; or
- (vii.) Make or cause to be made in any book, record, return, declaration, or statement directed by this Act to be kept or made, any entry or writing which is to his knowledge false in any material particular ; or
- (viii.) Connive at any such forging, counterfeiting, uttering, making use, fixing, making, using, personating, or making of the entry or writing, as aforesaid.

Penalty : One hundred and fifty pounds, or imprisonment for six months.

88. (1.) (a) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act. Offences generally.

(b) Every person who attempts, aids, abets, counsels, or procures, or is in any way knowingly concerned in, the commission of an offence against this Act shall be deemed to have committed that offence, and shall be punishable accordingly.

(c) Where by this Act any authority is given to any person to direct anything to be done or to forbid anything to be done and anything so directed to be done is not done or anything so forbidden to be done is done, then

every person who has offended against such direction or, as the case may be, prohibition shall be guilty of an offence against this Act.

General
penalty.

(2.) (a) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty of not less than five pounds and not exceeding one hundred pounds :

Provided that in the case of an offence deemed by this Act to be a forest offence, the person guilty of that offence shall be liable, if no specific penalty is provided for the offence, to a penalty of not less than ten pounds and not exceeding two hundred pounds.

Loss or
damage.

(b) Any person guilty of an offence against any provision of this Act relating to State Forests, Timber Reserves, National Parks, or Scenic Areas, or any forest products or quarry material the property of the Crown, shall, in every case, be liable for all loss and all damage caused by that offence, in addition to the penalty for the offence, and such loss and damage may be awarded by the court in fixing the penalty, and may be recovered in the same way as a pecuniary penalty.

For the purposes of this paragraph (b), the loss and damage caused by the offender shall include the value of the forest products or quarry material in respect of which the offence was committed, and also the value of the damage to the forest including any works or improvements thereon caused by the offence :

Provided that all such loss and damage may be recovered by the Conservator of Forests by action as for a debt in any court of competent jurisdiction.

Furthermore the value of any tree in relation to which the offence was committed, shall be taken to be the sale price ordinarily obtainable on the sale of the tree then and there standing.

Penalties
to be in
addition to
fines under
licenses or
permits.

(c) Penalties imposed for offences against this Act shall be in addition to and not in substitution for any penalty or fine (pecuniary or otherwise) imposed by or under any agreement, contract, lease, permit, or license or other authority under this Act.

(d) Notwithstanding anything in any Act to the contrary, when any person is convicted of any offence against this Act, the penalty to be imposed in respect of such offence shall not be reduced below any prescribed minimum amount of penalty. Minimum penalty may not be reduced.

(e) Any penalty or punishment to which the person committed may be liable under this Act upon his conviction shall be in addition to any forfeiture under this Act.

(3.) All offences against this Act may be prosecuted and all amounts of fees, royalties, stumpages, charges, or other moneys payable under this Act and not paid may be recovered in a summary way under "*The Justices Acts, 1896 to 1958*," on complaint by any forest officer or by any other person authorised in that behalf either generally, or in the particular case, by the Conservator of Forests. Summary proceeding.

(4.) A prosecution for an offence against this Act may be instituted at any time within twelve months after the commission of the offence or within six months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period. Time for commencement of prosecutions.

89. All moneys due to the Crown or the Conservator of Forests in respect of the sale of any forest products or quarry material or in respect of any royalty or stumpage on any forest products or quarry material got in pursuance of this Act or in respect of any loss or damage to any forest products or quarry material, the property of the Crown or vested in the Conservator of Forests or in respect of any other matter or thing whatsoever under this Act may be recovered at the suit of the Conservator of Forests in any court of competent jurisdiction by action as for a debt. Recovery of moneys due.

Where the liability for the payment of any such moneys arises by reason of, or in connection with, a contravention of this Act, such moneys shall be recoverable under this Act whether proceedings in respect of that contravention are commenced or not and whether any person is convicted therefor or not.

The provisions of this section are in addition to and not in diminution of or substitution for the provisions of any other enactment of this Act.

Conservator
of Forests
may appear
by Secretary
or other
officer.

90. (1.) The Conservator of Forests may appear before any court or in any proceedings by the Secretary, or by any officer or other person authorised by the Conservator of Forests in that behalf either generally or in the particular case; and the Secretary or such officer or other person shall be at liberty to institute and carry on any proceedings which the Conservator of Forests is authorised to institute and carry on under this Act.

Reimburse-
ment of legal
costs, &c.

(2.) The Secretary or such officer or other person shall be reimbursed all costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in this provision.

(3.) If any person against whom the Conservator of Forests has any claim or demand under this Act takes the benefit of any law for the relief of insolvent debtors, the Secretary or any officer or other person authorised in that behalf, in all proceedings against the estate of such insolvent or under any adjudication, sequestration, or act of insolvency against or by such insolvent, may represent the Conservator of Forests and act on his behalf in all respects.

(4.) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act relating to the institution of any proceedings by or against the Conservator of Forests.

Power of the
Conservator
of Forests
to waive
proceedings.

91. Where any person gets, ringbarks, destroys, damages, uses, marks, or in any way interferes with any forest products, quarry material, earth, or soil in contravention of this Act and whether proceedings for that offence are commenced or not and whether any person is convicted therefor or not, the Conservator of Forests may demand payment by such person of the value of such forest products, quarry material, earth, or soil and the value of the damage to the forest and any property vested in the Conservator of Forests caused by the offence and the cost and expense of the investigation by or on behalf of the Conservator of Forests of that contravention, as the Conservator of Forests may determine, and, upon payment thereof, may allow such person to get or retain the whole or any part of the forest products, quarry material, earth, or soil in relation to which the offence was committed.

Any amount so demanded and not paid may be recovered by the Conservator of Forests by summary proceedings upon complaint or by action as for a debt in any court of competent jurisdiction.

For the purposes of this section the value of any tree shall be taken to be the sale price ordinarily obtainable on the sale of the tree then and there standing.

92. (1.) All debts and other moneys whatsoever for the time being owing to the Conservator of Forests under this Act by any person on any account whatsoever, are hereby declared to be the property of the Crown and recoverable as from debtors to the Crown with such interest, if any, as prescribed.

All moneys
to be
property of
Crown.

(2.) Any money due to the Crown under this Act may be recovered by summary proceedings on complaint, or by action as for a debt in any court of competent jurisdiction.

Recovery of
moneys.

(3.) The several remedies for the recovery of amounts of fees, rents, charges, royalties, stumpages and other sums payable under this Act and not paid shall be alternative and no such remedy shall prejudice or otherwise affect any other excepting that resort shall not be had to more than one such remedy in respect of any one and the same amount of fees, rents, charges, royalties, stumpages or other sums so payable.

93. (1.) Judicial notice shall be taken of—

Judicial
notice.

(i.) The boundaries of every State Forest, Timber Reserve, National Park, and Scenic Area ; and

(ii.) Every notification under this Act published in the *Gazette*.

(2.) When in any proceedings under or for the purpose of this Act a question arises as to whether any forest products or quarry material are the property of the Crown, such forest products or quarry material shall be presumed to be the property of the Crown until the contrary is proved.

Timber
presumed
to be
property
of Crown.

(3.) Every notice, order, process, document, or other writing whatsoever requiring authentication by the Conservator of Forests shall be sufficiently

Authen-
tication of
writings.

authenticated with the seal of the Conservator of Forests or, without the seal of the Conservator of Forests, if signed by the Conservator of Forests, Deputy Conservator of Forests, the Secretary, or by any officer authorised by the Conservator of Forests in that behalf.

Mistaken
belief as to
boundaries.

94. In every case of a sale of any forest products or quarry material situated on any land or part of any land whereon forest products or, as the case may be, quarry material are not the property of the Crown and which land or part thereof is adjoining or situate in the vicinity of lands whereon the forest products or, as the case may be, quarry material are the property of the Crown, it shall be the duty of the seller to clearly and correctly indicate to the buyer and of the buyer to clearly and correctly ascertain the boundaries of that land or, as the case may be, part.

Any person who is charged with an offence against this Act with respect to the getting, ringbarking, destroying, damaging, or other interference with any earth, forest products or quarry material, or with respect to trespass or encroachment upon, or unlawful use of, any State Forest, Timber Reserve, National Park or Scenic Area, shall not escape liability for that offence by pleading any mistaken belief as to the situation of the boundaries of any land or part of any land whereon he was lawfully entitled to get, ringbark, destroy, damage, or otherwise interfere with any forest products, quarry material, or, as the case may be, earth, or of that State Forest, Timber Reserve, National Park, or, as the case may be, Scenic Area.

Facilitation
of proof.

95. In any proceedings under or for the purpose of this Act—

- (i.) It shall not be necessary to prove the appointment of any officer, or employee or agent of the Conservator of Forests, or the authority of any officer, or employee or agent of the Conservator of Forests, to do any act or to take the proceedings or to give any direction or order, but this shall not prejudice the right of any defendant to prove the extent of such authority ;

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- (ii.) A signature purporting to be that of any officer shall be taken to be the signature it purports to be until the contrary is proved ;
 - (iii.) It shall not be necessary to prove the limits of any area or locality whatsoever, or that any place is within a State Forest, Timber Reserve, National Park or Scenic Area, or an area or a locality, or part thereof, but this shall not prejudice the right of any defendant to prove the limits of the area or locality or that any place is not within the State Forest, Timber Reserve, National Park or Scenic Area, area, or locality, or part thereof ;
 - (iv.) A document purporting to be a duplicate or a copy of a lease, permit, license, certificate, or other authority, agreement or contract, notice, or order granted, given or made under this Act shall, upon its production in evidence, be evidence of that lease, permit, license, certificate, other authority, agreement or contract, notice, or, as the case may be, order, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence thereof ;
 - (v.) A document purporting to be signed by the Conservator of Forests, Deputy Conservator of Forests, or the Secretary, and stating that at any specified time there was or was not in force a lease, agreement, contract, permit, license, certificate, or other authority, as described therein granted, given or made under this Act to or with a specified person, and, if stated therein, that such lease, agreement, contract, permit, license, certificate, or other authority was or was not subject to terms, conditions, or restrictions, or was or was not issued or made subject to the provisions, conditions, and restrictions set out in that document, or that at any specified time a specified person was or was not exempted from any specified provisions of this Act, shall, upon its production in evidence, be evidence of the

matters in that document, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matters ;

- (vi.) A document purporting to be a copy of any letter or telegram and purporting to be signed by the Conservator of Forests, Deputy Conservator of Forests, or the Secretary, and purporting to authorise any person to institute any legal proceedings shall be admissible in evidence at the proceedings, and shall be accepted as evidence of the authority of the person to institute and prosecute the proceedings ;
- (vii.) The averment in any complaint of the date on which the commission of any offence under this Act came to the knowledge of the complainant shall be evidence of that matter and in the absence of evidence in rebuttal shall be conclusive evidence of such matter ;
- (viii.) Where an offence is committed by a person in respect of more than one Crown holding or area of Crown lands, or State Forest, Timber Reserve, National Park, Scenic Area, reserve for public purposes, or road, or any combination of these, a complaint may aver that the offence has been so committed and it shall not be necessary to show the extent of the offence in respect to any one of such areas ;
- (ix.) A map or plan purporting to be made by the Conservator of Forests or by any officer or employee of the Conservator of Forests and sealed with the seal of the Conservator of Forests, or purporting to be issued or published by any Department of the Government of this State or any officer thereof, shall, upon its production in evidence, be evidence of the matters stated or delineated thereon, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matters ;
- (x.) Copies of any plans, sections, specifications and books of reference relating to matters arising under this Act, or of any alteration or

correction thereof, or extracts therefrom, certified by an officer authorised by the Conservator of Forests in that behalf to be true copies or, as the case may be, extracts thereof (which certificates such officer shall give to all parties interested when required, on payment of such fees as are prescribed) shall, upon production in evidence, be evidence of the contents thereof, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of the contents thereof ;

- (xi.) A document purporting to be signed by the Conservator of Forests, Deputy Conservator of Forests, or the Secretary, and certifying that the amount of fees, royalties, stumpages, rents, compensation, costs, charges, expenses, or other sums specified therein is payable under this Act and has not been paid by a specified person shall, upon its production in evidence, be evidence of the matter or matters certified to therein, and in the absence of evidence in rebuttal thereof shall be conclusive evidence of such matter or matters ;
- (xii.) Any document whatever purporting to be issued or written by or under the direction of the Conservator of Forests and purporting to be signed by the Conservator of Forests, Deputy Conservator of Forests, or the Secretary, shall be received in evidence and shall be deemed to be issued or written by or under the direction of the Conservator of Forests until the contrary is proved : (The expression " document " includes any order, direction, and notice).

96. (1.) Unless otherwise expressly provided, a ^{Service of} notice, order, direction, or other document empowered, ^{notices, &c.} authorised, or required by a provision of this Act to be served upon, or given, or delivered to any person by the Conservator of Forests or any officer or employee of the Conservator of Forests may be so given, delivered, or served—

- (i.) By delivering the same or a copy thereof to that person (or his manager, servant, or

agent) personally or by leaving the same or a copy thereof at his last known business or residential address ;

(ii.) By prepaid post letter containing the same, or a copy thereof, and addressed to that person at his usual place of business or residential address, or at his last known business or residential address, in which case it shall be deemed to be so served, given, or delivered at the time when that letter would be received by that person in the ordinary course of post ; or

(iii.) By prepaid certified mail letter containing the same, or a copy thereof, and addressed as aforesaid, in which case the production in evidence of the proper receipt from a post office for that letter shall, until the contrary is proved, be sufficient proof that it was so served, given, or delivered upon the date when that letter would have been received by the person concerned in the ordinary course of post.

(2.) A person or his manager, servant, or agent shall, if thereunto required by an officer or employee of the Conservator of Forests, acknowledge any notice, order, direction, or other document given, delivered, or served under this Act, by signing the original or, as the case may be, duplicate copy retained by the officer or employee.

Regulations.

97. (1.) The Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, without limiting the generality of the foregoing provisions of this section, regulations may be made for or in respect of all or any of the purposes, matters, and things set forth in the Second Schedule to this Act.

Sch. II.

(2.) The power to make with respect to State Forests, Timber Reserves, National Parks, Scenic Areas, forest products, quarry material, or matters or things whatsoever, any regulation under this Act shall include

power to make that regulation so that it may be of general or specially limited application according to time, place, purposes, classes, or circumstances, or otherwise as is prescribed, and so that any regulation of specially limited application may or may not differ from any other regulation of specially limited application with respect to the same persons, matters, or things.

The power to make regulations with respect to any matter shall include power to make regulations under this section prohibiting that matter either generally or to meet particular cases.

98. (1.) No misnomer, inaccurate description, or omission in or from any Proclamation, Order in Council, regulation, order, or notification, shall in any wise prevent or abridge the operation of this Act with respect to the subject matter of that misnomer, inaccurate description, or omission provided the same is designated so as to be understood.

Misnomer,
inaccurate
description,
&c.

(2.) No Proclamation, Order in Council, or notification purporting to be made under this Act and being within the powers conferred on the Governor in Council or other authority shall be invalid on account of any non-compliance with any of the matters required by this Act as preliminary to the same.

99. (1.) Every Proclamation, Order in Council, and regulation made under this Act shall—

Publication
of Proclama-
tions, Orders
in Council,
regulations,
&c.

- (a) Be published in the *Gazette* ;
- (b) Upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
- (c) Take effect from the date of such publication, unless, in the case of any such Order in Council or regulation, a later date is specified in that or any other Order in Council or, as the case may be, regulation for its commencement when in such event it shall take effect from that later date ; and
- (d) Be laid before the Legislative Assembly within fourteen sitting days after such publication if the Legislative Assembly is

in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2.) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such Proclamation, Order in Council, or regulation has been laid before the Legislative Assembly disallowing such Proclamation, Order in Council, or regulation or part thereof, that Proclamation, Order in Council, or regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Proclamation, Order in Council, or regulation.

Protection
of the
Minister,
officers, &c.

100. No matter or thing done by the Minister or by any person acting with the authority of the Minister, or done by the Conservator of Forests, or by any officer or employee of the Conservator of Forests or other person on behalf of or under the direction of the Conservator of Forests in good faith and without negligence for the purpose of executing this Act or in the execution of his powers and duties under this Act, shall subject the Crown, or the Minister, or the Conservator of Forests, officer, employee, or other person to any liability in respect thereof.

Annual
report.

101. (1.) The Conservator of Forests shall, as soon as practicable after the thirtieth day of June in each year, prepare and furnish to the Minister a report on the operations of the Department during the year ended on that date.

(2.) The report shall be by the Minister forthwith laid before the Legislative Assembly if the Legislative Assembly is then sitting, otherwise within fourteen sitting days after the commencement of the session next ensuing.

Saving of
certain Acts.

102. Unless otherwise expressly provided, the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of—

- (i.) "*The Criminal Code*";
- (ii.) "*The Rural Fires Acts, 1946 to 1958*";
- (iii.) "*The Fauna Conservation Act of 1952*";

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- (iv.) “ *The Sandalwood Act of 1934* ” (other than section eighteen of that Act) ;
 - (v.) “ *The Sawmills Licensing Act of 1936* ” ; or
 - (vi.) “ *The Timber Users’ Protection Acts, 1949 to 1955* ” ;

and nothing in this Act shall affect or prevent the doing or exercise of any powers, authorities, functions, or jurisdiction conferred or imposed upon any person by any such Act, or prevent the enforcement and recovery of any penalty, fee, fine, or forfeiture which is enforceable and recoverable under any such Act :

Provided that where any act or omission constitutes the same offence both under this Act and under any such Act, any person doing or omitting to do such act may be proceeded against either under this Act or under such other Act, but so that no person shall be twice punished for the same offence.

SCHEDULES.

[Section 4.]

FIRST SCHEDULE.

Repeals.

Year and Number of Act.	Short Title of Act.	Extent of Repeal.
6 Edward VII. No. 20	<i>"The State Forests and National Parks Act of 1906"</i>	The whole Act
1 George V. No. 15	<i>"The Land Act of 1910"</i> (as subsequently amended)	Sections 198A, 198B, 199, 199A, 200, 200A, 201, 202
23 George V. No. 6	<i>"The Prickly-pear Land and Forestry Administration Act of 1932"</i>	In section 3 the definition of the term "State Forests and National Parks Acts"; Part III. (being sections 9, 10, 11, and 12)
25 George V. No. 18	<i>"The Sandalwood Act of 1934"</i>	Section 18
25 George V. No. 31	<i>"The Land Acts Amendment Act of 1934"</i>	Sections 3 and 14
1 George VI. No. 18	<i>"The Land Acts and Other Acts Amendment Act of 1937"</i>	Section 25
6 George VI. No. 10	<i>"The Land Acts and Other Acts Amendment Act of 1941"</i>	Part V. (being sections 24 and 25)
10 George VI. No. 47, as amended	<i>"The Rural Fires Act of 1946,"</i> (as subsequently amended)	Section 26
12 George VI. No. 17	<i>"The Land Acts and Other Acts Amendment Act of 1948"</i>	Part III. (being sections 10, 11, and 12)
6 Elizabeth II. No. 39	<i>"The Forestry Act of 1957"</i>	The whole Act

SECOND SCHEDULE.

[Section
97.]*Subject Matters for Regulations.*

1. Prescribing the powers, functions, authorities and duties of forest officers, other officers, and employees of the Conservator of Forests. Officers.
2. Providing for the training of officers. Training of officers.
3. Prescribing and defining the manner of doing or performing any act or thing under or for the purposes of this Act, and the time when or within which it shall be done or performed. Mode of action, &c.
4. Providing for and regulating the management and control of State Forests, National Parks and Scenic Areas. State Forests, &c.
5. Providing for, regulating and controlling the use, management, and letting of any building or structure or other improvement whatsoever vested in the Conservator of Forests. Use, &c., of buildings.
6. Prescribing, regulating, and controlling the method, system, or order of getting and disposal of quarry material and forest products within all or any parts of State Forests and Timber Reserves, or other prescribed lands whereon quarry material or forest products are the property of the Crown. Method of getting and disposal.
7. (a) Prescribing, regulating, and controlling applications for, and the granting and issuing of leases, permits, licenses, and other authorities, and the entering into agreements and contracts, under or for the purposes of this Act; Prescribing the provisions, conditions, and reservations subject to which all or any such leases, permits, licenses, other authorities, agreements and contracts shall be granted or made, held, transferred, mortgaged, extended, determined, cancelled, forfeited, surrendered, or withdrawn. Permits, &c.
- (b) Prescribing, regulating, and controlling the exercise of the powers and authority conferred by leases, permits, licenses, other authorities, agreements and contracts, and all or any matters incidental thereto.
- (c) Prescribing the conditions under which, and the period or maximum period for which, the obligations under this Act of the holder of a lease, permit, license, or other authority, or of a party to a contract or agreement to perform any conditions thereof may be suspended.
- (d) Prescribing the manner and form of forfeiture or cancellation or suspension of leases, permits, licenses, other authorities, and agreements and contracts, and the conditions under which such may be made, and the procedure to be observed.
8. Prescribing the deposits to be lodged with an application or tender under this Act and prescribing the conditions under which such deposits may be forfeited. Deposits, &c.

Auction,
&c., of
forest
products.

9. Prescribing and regulating the method and the procedure for the sale, whether by auction, tender, or otherwise, of forest products or quarry material, and enabling upset prices or minimum royalties, stumpages, or charges to be fixed ; Providing for the drawing up from time to time of price lists for various timbers and other forest products and various classes and specifications of timbers and other forest products whether in the forest or converted in any way or delivered to any place.

Auction, &c.,
of grazing
permits, &c.

10. Prescribing the procedure for the sale by auction or tender or otherwise of rights, stock grazing permits, occupation permits, or apiary permits, and enabling upset prices or minimum charges to be fixed.

Declarations,
&c.

11. Providing in respect of forest products or quarry material, irrespective of source, for the making of declarations or statements in writing as to the quantity and description of forest products or quarry material got, held, treated, consigned, or exported, or otherwise disposed of, and as to the place where any forest products or quarry material were obtained, and as to the place to which they were or were intended to be consigned or otherwise disposed of ; Prescribing the time within which such declarations or statements shall be made.

Inspection.

12. Providing for the inspection of forest products or quarry material for export and for local uses ; Prescribing the forms and certificates to be used, the fees to be paid, and the brands or marks to be used.

Grading.

13. Prescribing rules for the naming, classifying, and grading of timber and other forest products for export and for local use.

Sizes,
quantities,
&c.

14. Prescribing the kinds, sizes, and quantities of any forest products or quarry material which may be got ; Prohibiting the removal of any forest products or quarry material until branded or marked, or otherwise permitted by a forest officer.

Brands.

15. (a) Prescribing for all or any purposes of this Act the mode in which any forest products are to be branded or marked, and the mode in which such brands or marks shall be registered ; Requiring the registration of brands by all or any timber-workers operating under agreements, contracts, permits, or licenses ; Prescribing the manner of and the fees to be paid for all or any such registrations.

(b) Requiring the holders of permits or licenses and all owners of private forests to register and retain the use of a brand whereby timber or other forest products cut or removed under their permits or licenses or cut in or removed from their holdings may be distinguished from any other timber or other forest products ; Prescribing the manner of and the fees to be paid for all or any such registrations.

Records.

16. Prescribing the books and records to be kept and the returns to be made by persons working or taking delivery of forest products or quarry material.

17. Requiring the production of any lease, permit, license, or other authority, agreement or contract by the holder thereof, for the purpose of making an endorsement thereon, or for any other purposes. **Production of permits, &c.**

18. Prescribing means for fire prevention and protection in State Forests, Timber Reserves, National Parks and Scenic Areas. **Fire prevention, &c.**

19. Regulating and controlling the felling or cutting of trees which are on any State Forest, Timber Reserve, National Park or Scenic Area. **Felling trees.**

20. Prohibiting the depositing, dumping or placing on State Forests, Timber Reserves, National Parks or Scenic Areas of any garbage, rubbish, refuse, sawdust or other thing. **Prohibiting dumping of refuse.**

21. Providing for and regulating the management and control of National Parks and Scenic Areas ; Prescribing offences with respect to such Parks and Areas and forest products thereon and the penalty for all or any such offences provided that any such penalty shall not exceed two hundred pounds ; Providing for permits to camp on such Parks and Areas and the terms and conditions upon which such permits may be granted ; Providing for and prescribing charges for the use of any facilities or improvements therein ; Prescribing the conditions on which any persons or animals shall have access to or be excluded from such Parks or Areas or any parts thereof prescribed. **National Parks and Scenic Areas.**

22. Prescribing the powers, functions and authorities of honorary rangers. **Honorary rangers.**

23. Reserving from sale any tree or kind or class of trees within State Forests or Timber Reserves or other place whereon the forest products are the property of the Crown, either wholly or to such extent as is considered necessary ; Prohibiting the getting, destroying, or damaging of reserved trees. **Reservation of trees.**

24. Prescribing forms (including registers, records, books, documents, instruments, licenses, permits, agreements, contracts, and other writings) under and for the purposes of this Act and the respective purposes for which such forms, or forms to the like effect, shall be used and specifying such information as is required to be contained in such forms, and requiring the verification of any statements inserted in or on any prescribed forms by declaration made under "*The Oaths Acts, 1867 to 1959.*" **Forms.**

25. Prescribing the matters or things in respect whereof fees, costs, royalties, stumpages, charges, and expenses shall be payable under this Act (including royalties, stumpages, and charges to be paid to the Crown) in respect of any forest products or quarry material cut or got and removed pursuant to licenses, permits, agreements or contracts under this Act, and the amounts of such fees, costs, royalties, stumpages, charges, and expenses, and prescribing the persons who shall be liable for the payment of such fees, costs, royalties, stumpages, charges, and expenses, and when such fees, costs, royalties, stumpages, charges, and expenses shall be payable and paid, and providing for the manner of payment thereof and for the recovery of any amount thereof not duly paid. **Fees, &c.**

Stock.

26. Prescribing all or any matters and things necessary or desirable with respect to the disposal of or dealing with, by the Conservator of Forests, stock found on State Forests, Timber Reserves, National Parks and Scenic Areas and which are unbranded or have no reputed or apparent owner.

Penalties.

27. Prescribing either generally or for the purpose of any particular regulations the amount of any pecuniary penalty, or either or both the minimum penalty and maximum penalty for an offence with respect thereto, not exceeding in any case one hundred pounds.
