

## No. VIII.

RINGBARKING ON  
CROWN LANDS  
REGULATION.

An Act to regulate Ringbarking on Crown Lands and to limit claims for compensation under the fifteenth section of the "Lands Acts further Amendment Act of 1880." [24th November, 1881.]

Preamble.

WHEREAS the practice of ringbarking on Crown Lands ought to be regulated by law Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title.

Interpretation of terms.

1. This Act may be cited for all purposes as the "Ringbarking on Crown Lands Regulation Act 1881" In its construction and for its purposes the expression "Crown Lands" means all

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all lands vested in Her Majesty which have not been dedicated to any public purpose or which have not been granted or lawfully contracted to be granted in fee simple but includes all such Reserves as under the thirty-fourth section of the "Lands Acts Amendment Act 1875" are declared not to be withdrawn from pre-emptive lease or other pastoral leasehold—"Minister" means any Minister charged with the administration of this Act—"Ringbarking" or "to Ringbark" respectively means cutting or stripping or to cut or strip the bark of a tree for the purpose or in such a manner as would naturally have the effect of killing or stopping the growth of such tree—"Lessee" means the holder or the promisee of any lease—"Tree" includes sapling and means any indigenous growing tree of any kind whatsoever.

2. After the passing of this Act no lessee of Crown Lands shall ringbark any trees on Crown Lands unless he be the holder of a permission to ringbark under the hand of the Minister. And if any such lessee shall after the passing of this Act ringbark or permit or suffer any person on his behalf to ringbark any such trees without holding such permission or without holding a permission to ringbark granted before the passing of this Act by the Secretary for Lands or the Secretary for Mines or other Minister duly authorized in that behalf or shall ringbark or permit or suffer any person on his behalf to ringbark in contravention of the terms or conditions expressed in such permission or any of them such lessee shall on conviction be liable to a penalty for each tree so ringbarked of not more than ten shillings and not less than one shilling recoverable in a summary way before any two or more Justices upon the complaint of any officer of the Department of Mines or other person authorized by the Minister or upon the complaint of any police officer. And on a second or subsequent conviction of a lessee of Crown Lands of any offence under this section committed after a first conviction of any such offence all his right to and interest in the lease wherein any such illegal or unauthorized ringbarking shall have taken place shall be liable to be forfeited by the Governor in Council. But such forfeiture shall only take effect when the Minister shall cause a notification thereof to be published in the *Gazette*. Provided every such permission as aforesaid shall be published in the *Government Gazette* within fourteen days after the granting of the same.

3. Whosoever shall ringbark trees on Crown Lands without holding such permission as is mentioned in the last preceding section or a written authority to ringbark such trees under the hand of the lessee of such Crown Lands shall on conviction be liable for each tree so ringbarked to the same penalty (recoverable in the same manner) as is declared in the said section.

4. After the passing of this Act a lessee of Crown Lands shall not be entitled to be paid or to recover under the fifteenth section of the "Lands Acts further Amendment Act 1880" any compensation in respect of ringbarking unless—

- (I.) The ringbarking which forms the subject of the claim for compensation is covered by a permission to ringbark granted by the Minister for the time being authorized to grant such permission and unless
- (II.) The effect of such ringbarking on the land in question has been to increase the value thereof to any purchaser conditional or otherwise

And in every case the claim for compensation in respect of such ringbarking whether the same has been carried out before or after the passing of this Act shall be one shilling and three-pence per acre payable on the certificate of a Surveyor duly authorized in that behalf that the land has been ringbarked.

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*Designs of Towns and Villages Correcting.*

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Legal procedure &c.

5. For the purposes of this Act and the Act lastly cited and in all proceedings instituted thereunder the provisions following shall take effect and be complied with by all Courts and persons viz. :—

- (I.) At the hearing of every complaint the defendant shall be a competent witness.
- (II.) If any question shall arise whether any person holds a valid permission to ringbark the burden of proof thereof in the affirmative shall lie on the defendant or person who claims to hold such permission.
- (III.) In default of distress for non-payment of any sum awarded as compensation in respect of ringbarking imprisonment of the person in default shall in no case be ordered.

Saving clause.

6. Nothing in this Act contained shall affect otherwise than as herein expressly provided the provisions of the “Crown Lands Occupation Act of 1861” relating to the cutting and use of timber by lessees or any provision in any Act relating to the alienation or occupation of Crown Lands or shall be construed to deprive the Crown of the right to proceed against any lessee by action of waste or otherwise.

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