

FORESTRY ACT.

Act No. 55, 1916.

An Act to consolidate and amend the law relating to forestry ; to provide for the dedication, reservation, control, and use of State forests, timber reserves, and Crown lands for forestry and other purposes ; to appoint a commission to administer the Act, with power to sell and convert timber and products, and to purchase and sell horses, cattle, and sheep to be depastured on State forests and timber reserves ; to repeal the Forestry Act, 1909 ; to amend the Acts relating to Crown lands, and certain other Acts ; and for purposes consequent thereon or incidental thereto. [Assented to, 11th October, 1916.]

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BE it enacted by the King'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 :—

Preliminary.

1. This Act may be cited as the "Forestry Act, 1916." It shall commence on the first day of November, one thousand nine hundred and sixteen.

Short title
and com-
mencement.

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

Division of
Act.

PART I.—THE COMMISSION AND ITS POWERS AND DUTIES.

PART II.—STATE FORESTS AND TIMBER RESERVES.

PART III.—LICENSES.

PART IV.—PERMITS AND FOREST LEASES.

PART V.—GENERAL AND SUPPLEMENTAL.

Repeal.

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Repeal.

Repeal.

3. The Forestry Act, 1909, is hereby repealed :
Provided that—

- (a) all licenses, permits and exclusive rights granted under the Act hereby repealed and in force at the commencement of this Act shall, until cancelled, continue in force for the respective periods for which they were granted, and the provisions of the Act hereby repealed shall, notwithstanding such repeal, apply to the same ;
- (b) all regulations made under the Act hereby repealed and in force at the commencement of this Act shall, *mutatis mutandis*, apply as if made under this Act, but may be amended or repealed by regulations made under this Act

Definitions.

Definitions.

4. In this Act, unless the context requires another meaning,—

- “Commissioner” includes the Chief Commissioner.
- “Crown lands” means lands vested in His Majesty and not permanently dedicated to any public purpose or granted or lawfully contracted to be granted in fee-simple under the Crown Lands Acts.
- “Crown Lands Acts” has the meaning given to that expression in the Crown Lands Consolidation Act, 1913.
- “Exclusive rights” means rights granted under section fifteen of the Act hereby repealed.
- “Lease” when referring to a lease under the Crown Lands Acts includes a promise of lease under those Acts ; and “lessee” means the holder of such lease, and includes the holder of any such promise.
- “The Minister” means the Minister of the Crown charged with the administration of this Act.
- “Prescribed” means prescribed by this Act or the regulations.
- “Products” means products of growing or dead timber, trees, shrubs, or vegetable growth of economic value.

“State

- “State forest” means land dedicated under this Act, or under the Act hereby repealed, as a State forest. George V,
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- “The commission” means the Forestry Commission of New South Wales constituted under this Act.
- “The regulations” means the regulations made under this Act.
- “Timber reserve” means land temporarily reserved, before or after the commencement of this Act, for forestry purposes.
- “Tree” includes a sapling.

PART I.

THE COMMISSION AND ITS POWERS AND DUTIES.

Constitution of the commission.

5. (1) There shall be a Forestry Commission constituted as follows:— Constitution
of commis-
sion. []

The Governor shall, as soon as he thinks advisable after the passing of this Act, appoint a Chief Commissioner and two other commissioners, who shall constitute the Forestry Commission.

If the Chief Commissioner disapproves of the decision of the other commissioners with respect to any matter before the commission for its decision and determination, such matter shall be deferred for not less than twenty-four hours after the decision, or if the Chief Commissioner was not present when the decision was given, for not less than twenty-four hours after it has been brought to his knowledge, when it shall again be brought before the commission; and if the Chief Commissioner again disapproves of the decision of the other commissioners, the matter shall be determined according to the deliberate judgment of the Chief Commissioner, irrespective of the decision of the other commissioners.

(2) Each commissioner shall, subject to this Act, hold his office for a term of seven years from the date of his appointment, but may be reappointed.

(3)

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(3) No uncertificated bankrupt or insolvent shall be capable of being appointed a commissioner, and any commissioner who is declared a bankrupt, or who applies to take the benefit of any Act for the relief of insolvent debtors, or who compounds by deed or instrument in writing with his creditors, shall be incapable of continuing a commissioner, and his office shall thereupon be vacant.

(4) A commissioner may be removed from his office by the Governor only for misbehaviour or incapacity, or upon resolutions passed by both Houses of Parliament.

(5) Any vacancy that may occur in the office of a commissioner during the term of such office shall be filled by the appointment by the Governor of a commissioner who shall hold office for the unexpired portion of such term.

Salaries.

6. The commissioners shall be paid salaries at the following rates per annum:—

The Chief Commissioner, one thousand two hundred and fifty pounds.

Any other commissioner, one thousand pounds.

Such salaries are hereby charged upon the Consolidated Revenue Fund, and such fund, to the extent required for the payment of such salaries, is hereby permanently appropriated.

Incorporation.

7. The commission shall be a body corporate under the name of "The Forestry Commission of New South Wales," and by that name shall have perpetual succession and a common seal.

Judicial notice of incorporation.

8. All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the commission affixed to any deed, instrument, or writing, and shall presume that such seal was properly affixed thereto.

Powers of the commission.

General powers of commission.

9. The commission shall have the administration of this Act, and shall exercise the powers and discharge the duties conferred and imposed on it by this Act, and shall, subject to the provisions of the Public Service Act, 1902, or any Act amending it, have the control of officers and other persons appointed or employed

employed under this Act, and shall, except where in this Act otherwise expressly provided, have the control and management of State forests and timber reserves :

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Provided that in such administration and in the exercise and discharge of such powers and duties the commission shall be subject to and shall act in accordance with the regulations.

10. (1) The Governor may, subject to the provisions of the Public Service Act, 1902, or any Act amending it, appoint such officers and other persons as may be necessary for the purposes of this Act: Provided that no such officer or person shall be appointed without reference to the commission, and that all casual and general employees on forest work shall be engaged by the commission.

Officers.

(2) The commission may provide for the training of forest officers, the conduct of research work, and the collection of statistics in connection with forestry.

11. (1) The commission may dispose of timber and products on any State forest or timber reserve, and—

Special
powers of
commission.

- (a) take and sell such timber and products;
- (b) convert any such timber into logs, sawn timber, or any other merchantable article, and sell the same;
- (c) convert any such products into merchantable articles, and sell the same;
- (d) construct roads, railways, and tram lines and other works for the transport of timber, and purchase, rent, or charter and use vehicles and vessels with the necessary motive power;
- (e) construct, purchase, or rent sawmills and other mills with the necessary machinery and plant for converting timber, and manufacturing articles from timber, and use such mills for those purposes.

(2) The commission may purchase horses, cattle, and sheep and depasture them on State forests, and may sell such horses, cattle, and sheep.

Receipt of money.

12. All moneys payable to the commission, under this or any other Act, shall be collected and received by it on account of, and shall be paid into, the Consolidated Revenue Fund.

Receipt of
money.

D

Expenditure

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Expenditure.

Expenditure of money.

13. (1) All moneys appropriated by Parliament for the purposes of this Act, and for all purposes in connection therewith, shall be expended under the control and management of the commission.

(2) One-half of the gross amount received by the commission from royalties, licenses and permits under this Act, and from the sale of timber, otherwise than under paragraph (e) subsection one of section eleven, shall be carried to a special account in the Treasury, and shall be set apart for afforestation, reafforestation, survey and improvement of State forests and timber reserves, for roads, for the resumption of land under this Act, and for purposes incidental thereto. The sum so set apart in any year may during that and the next succeeding year, but at no other time, be withdrawn from the Consolidated Revenue Fund and be expended under the control of the commission for the above purposes without any authority other than this Act. A return of any money so expended in any year shall as soon as possible after the commencement of the next succeeding year be laid before both Houses of Parliament.

(3) Provided that the expenditure by the commission of any amount exceeding five thousand pounds on any work shall be subject to the approval of the Minister.

Audit.

14. (1) The provisions of the Audit Act, 1902, and of any other Act relating to the collection and payment of public moneys and the audit of the public account shall, save as in this Act otherwise expressly provided, apply to the commission and to the commissioners and to all officers and persons under the control of the commission.

(2) The commission shall cause books to be provided and kept, and a true and regular account to be entered therein of all sums of money received by it, and of the cost of all property vested in it, and of all payments made by it under the provisions of this Act, and of the salaries and maintenance of officers and persons under the control of the commission.

All such books shall be open to the inspection of the Auditor-General and of any person authorised by the
Minister

Minister or the Auditor-General to inspect the same; and all such persons may take copies or extracts therefrom. **George V,
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Any clerk or other person having the custody of any such books who does not on demand permit any person authorised as aforesaid to examine the said books and take copies or extracts therefrom shall be liable to a penalty not exceeding five pounds.

PART II.

STATE FORESTS AND TIMBER RESERVES.

Resumption of land.

15. The Governor may, under the Public Works Act, 1912, purchase, resume, or appropriate land for the purpose of a State forest or to provide access thereto. Such purchase, resumption, or appropriation shall be deemed to be for an authorised work. Such land shall not be dealt with otherwise than in pursuance of this Act. Purchase or resumption of land.

Exchange of land.

16. The Governor may, at the request of the Minister, with the concurrence of the Secretary for Lands, acquire by exchange for Crown lands under Division 5 of Part VIII of the Crown Lands Consolidation Act, 1913, any land required for State forests or to provide access thereto. Exchange.

Classification.

17. The Minister shall, from time to time, cause a classification of the forest lands of the State to be made for the purpose of determining which of such lands are suitable to be— Classification of forest lands.

- permanently dedicated as State forests; or
- temporarily reserved from sale as timber reserves.

State

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State forests.

Dedication of
State forests.

18. (1) The Governor, by notice in the Gazette, may dedicate as a State forest any land vested in His Majesty, and not granted or lawfully contracted to be granted in fee-simple, but may not include in such dedication land held under a conditional lease applied for before the first day of January, one thousand nine hundred and ten, unless the land so leased is within a reserve from sale, and he may cancel any previous dedication of such land.

(2) Land dedicated under this section or under the Act hereby repealed shall not be dealt with otherwise than in pursuance of this Act, and such dedication shall not be revoked or altered except under the authority of this Act.

(3) At and after the expiration of three years from the commencement of this Act there shall be not less than five million acres of land in New South Wales dedicated as State forests.

Revocation of
dedication.

19. A dedication under this Act or under the Act hereby repealed of a State forest may be revoked or altered in whole or in part in the following manner:—

(a) The Governor shall lay on the table of each House of Parliament proposals for such revocation or alteration.

(b) After such proposals have been so laid before Parliament, the Governor, on a resolution being passed by both Houses that such proposals be carried out, may, by notice in the Gazette, revoke or alter such dedication as aforesaid. On any such revocation the land shall become Crown land within the meaning of the Crown Lands Consolidation Act, 1913, or the Western Lands Act of 1901 as the case may be, and shall be dealt with under those Acts respectively, or any Act amending them.

Leases
within State
forests.

20. A lease or license to occupy land within a State forest shall not be granted by the Crown except under this Act.

Land subject
to mining
law.

21. Land within a State forest shall be subject to such of the provisions of the Mining Act, 1906, and of the Acts amending the same as are applicable to land permanently dedicated; but the exercise of any right thereunder

thereunder within a State forest shall be subject to such conditions and restrictions relating to forestry as may be prescribed :

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Provided that the Minister, with the concurrence of the Minister for Mines, by notification in the Gazette, may take any part of a State forest out of the operation of those provisions, and revoke or alter any such notification.

Timber reserves.

22. The Governor, by notice in the Gazette, may, on the recommendation of the Minister, and with the concurrence of the Secretary for Lands, temporarily reserve from sale any Crown land, except land held under a conditional lease applied for before the first day of January, one thousand nine hundred and ten, as a timber reserve, and revoke or alter, in whole or in part, any such reservation, or any reservation made before the commencement of this Act, of land for a timber or forest reserve.

Reservation
of timber
reserves.

Where any reservation of any land is so revoked, the land shall, unless otherwise declared by notification in the Gazette, become Crown lands within the meaning of and be dealt with under the Crown Lands Consolidation Act, 1913, or the Western Lands Act of 1901, as the case may be, or any Act amending the same.

23. No reservation from sale of land as a timber or forest reserve, notified before or after the commencement of this Act, shall be revoked or altered in whole or in part except under this Act.

Revocation of
reservation.

24. A lease or license to occupy land within a timber reserve shall not be granted by the Crown unless with the approval of the commission and subject to such conditions as the commission thinks fit to impose.

Lease or
license to
occupy land
within a
timber
reserve.

State forest and timber reserve.

25. (1) The dedication of land as a State forest or the reservation of land as a timber reserve shall not, except as in this Act provided, affect any lease or license from the Crown current and in force at the time of such dedication or reservation :

Existing
leases and
licenses in
State forests
and timber
reserves.

Provided

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Provided that, unless with the approval of the commission, such lease or license shall not be renewed, and its term shall not extend beyond the term or period current at the time aforesaid, and such renewal or extension shall be subject to such conditions as the commission thinks fit to impose :

Provided also that the administration of matters relating to such leases or licenses shall be vested in the Minister, who for that purpose shall have the powers of the Secretary for Lands.

But until and unless the Minister otherwise declares by notification in the Gazette, this proviso shall not apply to lands within the Western Division, and the administration of matters relating to leases and licenses of such lands shall, until such notification, continue to be vested in the Secretary for Lands.

(2) Any such lease or license in respect of land in a State forest may be surrendered to the Crown as to the whole or part of the land included therein, and a forest lease under this Act may be granted in lieu thereof.

(3) Money payable as rent under any such lease or license shall be received by the commission, but if the land leased is within a timber reserve the rent shall be credited to the Secretary for Lands.

PART III.

LICENSES.

General and special licenses.

Issue of
general and
special
licenses:
their effect.

26. (1) A general or special license under this Act authorises the holder, subject to the regulations and subject to the conditions and limitations of the license, to take timber or products, or any specified description thereof, on land within a State forest or timber reserve, or on Crown land, whether such land is or is not under lease or license from the Crown :

Provided that such license shall not, unless with the consent of the lessee or the trustees, as the case may be, apply to land held under conditional lease and not reserved

reserved from sale, or under conditional purchase lease, or in respect of which trustees have been appointed for any public purpose. **George V,
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(2) The term of a general license shall not exceed twelve months.

The term of a special license shall not exceed ten years.

(3) A special license shall confer exclusive rights on the holder, and when applicable to a defined locality may be sold by auction or by tender.

(4) General and special licenses shall be issued by the commission, or by any person authorised in that behalf by the commission: Provided that a special license for a term exceeding or which may exceed five years shall not be so issued except by the authority in writing of the Minister.

27. If any person, except in pursuance of a license, general or special, under this Act, or of a license under section fourteen of the Act hereby repealed, or an exclusive right under the same Act, or in pursuance of a lease or license from the Crown lawfully in force, on any State forest, timber reserve, or Crown land— Penalties for unlawfully taking timber or products.

(a) cuts, strips, obtains, removes, destroys, or damages any timber or tree; or

(b) digs for, extracts, obtains, removes, destroys, or damages any products; or

(c) causes or knowingly suffers any of the things aforesaid to be done,

he shall be liable to a penalty not exceeding twenty pounds, and in addition shall be liable for any loss or damage caused by the offence. Such loss or damage may be awarded by the court imposing the penalty, and may be recovered in the same manner as the penalty.

Sawmill licenses.

28. (1) A sawmill license under this Act authorises the holder, subject to the regulations, and subject to the conditions and limitations of the license, to work a mill for the sawing and treatment of timber. Sawmill licenses.

(2) The term of a sawmill license shall not exceed ten years, but may be renewed for a term not exceeding ten years.

(3) Sawmill licenses shall be issued by the commission.

29.

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Penalty for
unlawfully
working saw-
mill.

29. (1) If any person (whether as owner, lessee, or otherwise) works a mill for the sawing or treatment of timber except under the authority of a license issued and in force under this Act or a sawmill license granted under the authority of the Act hereby repealed, or under the authority of an exemption granted by the commission, he shall be liable to a penalty not exceeding fifty pounds.

(2) If any person contravenes or breaks any provision or condition in any such license or exemption he shall be liable to a penalty not exceeding fifty pounds.

Royalty.

Royalty for
timber and
products.

30. The royalties payable to the Crown for timber or products taken in pursuance of licenses issued under this Act shall be fixed by the commission, but shall not be less than such minimums (if any) as may be prescribed by the regulations. Special royalties and special minimums may be fixed with respect to timber and products taken in pursuance of a special license.

PART IV.

PERMITS AND FOREST LEASES.

Permits to
occupy and
use land or
to ringbark.

31. (1) A permit under this Act authorises the holder subject to the regulations and subject to the conditions and limitations of the permit—

- (a) to graze and water horses and cattle ; or
- (b) to occupy land as the site of a sawmill or other building, or any tramway, wharf, or timber depot ; or
- (c) to occupy land for charcoal burning or bee-farming or any other purpose approved by the commission ; or
- (d) to occupy land for growing fodder for horses and cattle used in connection with the exercise
of

of the authority conferred by a license under this Act, or a license or exclusive right under the Act hereby repealed; or

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(e) to ringbark or otherwise kill or destroy trees.

(2) Such permit may be granted under paragraphs (b) or (d) of the last preceding subsection only to a person who is the holder of a license under this Act, or the holder of a license or exclusive right under the Act hereby repealed.

Such permit may be granted under paragraph (e) of the said subsection only to the holder of a lease under this Act or a lease or license under the Crown Lands Acts.

(3) Such permit may be granted in respect of land within a State forest or timber reserve, or in respect of any Crown land other than land held under a conditional lease and not reserved from sale or held as a conditional purchase lease.

Any such permit for any of the purposes mentioned in paragraphs (a), (b), (c), or (d) of subsection one of this section in respect of Crown lands may be granted only with the concurrence of the Secretary for Lands.

Land in respect of which a permit is granted for purposes mentioned in paragraph (b) aforesaid shall not be available for sale during the currency of the permit.

(4) A permit granted under this section shall not withdraw the land to which it applies from any lease or license under the Crown Lands Acts or the Western Lands Act of 1901, or from any forest lease granted under this Act.

But the holder of such permit shall, in addition to any rent or fees payable to the commission, pay compensation to the lessee or licensee as follows:—

(a) Where the permit is to graze and water horses or cattle, he shall pay such agistment fees as the commission may fix.

(b) In any other case the amount of compensation shall be assessed by the commission.

(5) Permits under this section may be granted and renewed by the commission or by any person authorised by the commission in that behalf for such terms respectively as the commission thinks fit.

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Penalties for
unlawfully
using land or
ringbarking
trees.

32. (1) If any person, except in pursuance of a permit then in force granted under this Act or under the Act hereby repealed or in pursuance of any lease or license from the Crown lawfully in force grazes any horses or cattle on any land within a State forest or timber reserve, or occupies or uses any such land, he shall be liable to a penalty not exceeding twenty pounds, and in addition shall be liable for any loss or damage caused by the offence. Such loss or damage may be awarded by the court imposing the penalty, and may be recovered in the same manner as the penalty.

(2) If any person ringbarks or otherwise kills or destroys any tree in a State forest, timber reserve, or on any Crown land not held under conditional lease applied for before the first day of January, one thousand nine hundred and ten, or causes or knowingly suffers any of the said things to be done, except—

- (a) in pursuance of a permit to ringbark or otherwise kill or destroy trees granted under this Act or the Act hereby repealed ; or
- (b) in pursuance of an authority to ringbark or otherwise kill or destroy trees contained in a lease by the Crown granted before and in force on the first day of January, one thousand nine hundred and ten ; or
- (c) in pursuance of conditions or provisions inserted with the concurrence of the Minister under this Act or the Act hereby repealed in a lease by the Crown granted after the said day ; or
- (d) in pursuance of a license or forest lease granted under this Act,

he shall be liable to a penalty not exceeding twenty shillings in respect of each tree so ringbarked :

Provided that nothing herein shall affect the operations of sections two hundred and fifty-four and two hundred and fifty-five of the Crown Lands Consolidation Act, 1913 ; but no person shall be liable to more than one penalty for the same offence.

(3) A penalty may be imposed under this section in addition to any penalty, fine, or forfeiture imposed by any such lease.

Forest

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33. The commission may, with the approval of the Minister, issue, on such conditions as it thinks fit, and for any term not exceeding twenty years, leases of land within State forests for grazing or any purpose approved by the commission and not opposed to the interests of forestry. Such leases are in this Act referred to as "Forest leases."

Issue of forest
leases.

PART V.

GENERAL AND SUPPLEMENTAL.

General provisions.

34. Licenses, permits, and forest leases under this Act shall not be transferable except with the consent in writing of the commission, and if transferred without such consent, shall confer no rights on the holder thereof.

Licenses, per-
mits, and
forest leases
not transfer-
able.

35. If the commission is of opinion that the holder of a license, permit, or forest lease under this Act has contravened or failed to comply with any provision or condition contained therein, or contained in this Act or the regulations, or that such license, permit, or lease is not held or used bona fide for the purpose for which it was issued or granted, the commission may suspend the operation of the license, permit, or lease, and may, after affording such holder an opportunity to be heard, cancel and determine the same.

Suspension of
license,
permit, or
lease.

36. Any member of the police force or person authorised by the commission by writing to act under this section may impound any animals, as defined in the Impounding Act, 1898, trespassing on any land included in a State forest or timber reserve.

Impounding.

For the purpose of carrying out the provision aforesaid, every member of the police force and person authorised as aforesaid shall have the same powers as if he were an occupant within the meaning of the Impounding Act, 1898, and the said animals were trespassing on his land.

37.

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Amendment
of Crown
Lands Con-
solidation
Act.

37. Section two hundred and twenty-six of the Crown Lands Consolidation Act, 1913, is amended as follows :—

- (a) In paragraph (a) after “ forest reserve ” insert “ or State forest ”.
- (b) In paragraph (b) after “ special lease ” insert “ authorising the removal of material ”.
- (c) In paragraph (c) omit “ free of charge ” insert “ free of any charges other than those imposed under the Forestry Act, 1916 ”.
- (d) Omit “ by licenses granted ” ; and at end of paragraph insert “ or the Forestry Act, 1916 ”.

Supplemental.

Power to
enter land
and inspect.

38. (1) Any person authorised by the commission in writing to act under this section may, on producing his authority as aforesaid—

- (a) enter any land and any buildings thereon, and inspect any timber and products thereon or therein ;
- (b) require any person being the holder of a license under this Act, or working or acting in the management of a licensed sawmill, or taking delivery of or dealing with timber or products, to produce any such license or any books and records kept by him so far as they relate to the quantity and description of timber and products taken delivery of or dealt with by him, and to verify the correctness thereof, and may inspect the same and take copies thereof ;
- (c) if he reasonably suspects that any person has cut, removed, or otherwise dealt with any timber or products contrary to the provisions of this Act or the regulations, seize and detain such books and records, but in such case he shall take prompt measures to prosecute any person so suspected, or return the books and records so seized.

(2) Whosoever obstructs any such person in the exercise of any power hereby conferred shall be liable to a penalty not exceeding ten pounds.

39.

39. All royalties and rents imposed by or under this Act or the regulations may be recovered by the commission, or any person authorised by the commission, in any court of competent jurisdiction as a debt due to His Majesty.

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Recovery
of royalties
and rents.

40. The Minister, by notice in the Gazette, may—

Exemption
from licenses;
Establish-
ment of
depots.

- (a) exempt any Crown land from the operation of licenses under this Act; or
- (b) establish or approve of the establishing by the commission of depots where logs, piles, girders, sleepers, and hewn or other timber and products may be inspected and measured for the purposes of this Act, and be held until payment of royalty. Any timber or products whatever deposited at any such depot without express authority shall be subject to royalty, although otherwise exempt from royalty.

Regulations.

41. (1) The Governor may make regulations generally for carrying out the provisions of this Act, and in particular—

Regulations.

- (a) regulating the manner of applying for, and issuing and granting, and the forms of leases, licenses, and permits under this Act;
- (b) prescribing the fees, charges, rents, and the minimum royalties payable under this Act; providing for exemptions from the payment of royalty, and the calculation of royalty and the measurement of timber and products for that purpose;
- (c) providing for the payment and collection of royalty, and prescribing the persons by whom royalty shall be paid, and the manner of such payment;
- (d) prescribing the periods for which and the conditions under which such leases, licenses, and permits may be issued and granted, and the powers thereby conferred may be exercised;

(e)

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- (e) regulating the exercise of the powers conferred by any lease, license, or permit and any matters incidental thereto, including the protection and preservation of timber and other growth, and regulating the cutting, marking, and removing of timber, and the marking and removing of products ;
- (f) regulating the inspection, branding, marking, and certification of timber and products, and the fees to be charged for the same ; and providing penalties for falsely applying or counterfeiting or for defacing the prescribed or registered brands or marks, and for counterfeiting or defacing certificates authorised to be granted under this Act or the regulations ;
- (g) providing for the establishment of depots where timber and products shall be deposited for inspection, branding, and measurement ; for the regulation and management of such depots, and the detention therein of timber or products until the royalty thereon is paid ;
- (h) regulating and controlling the storing of any timber on any public wharf, road, depot, or place ;
- (i) prohibiting the making of any instrument which might be used for counterfeiting the brands or marks placed on timber by officers or persons under the control of the commission ;
- (j) prohibiting any person from having in his possession, disposing of, or using any instrument used by any such officer for placing brands or marks on timber, or so closely resembling the same as to be calculated to deceive ;
- (k) prescribing the kinds, sizes, and quantities of timber or products which may be cut or removed ; and prohibiting the removal of timber unless branded or marked as prescribed ;
- (l) prescribing the books and records to be kept and the returns to be made by persons working or acting in the management of sawmills or taking delivery of timber or products ;
- (m)

- (m) providing for the making of declarations or statements as to the quantity and description of timber and products obtained, taken delivery of, held, removed, hewn, sawn, or otherwise treated, or transported or consigned by road, rail, or water, and as to the place where any timber and products were obtained, and as to the place to which they are consigned, and prescribing the time within which such declarations or statements shall be made ; and imposing penalties for refusing to make any such declarations or statements, or for making untrue declarations or statements ;
- (n) prescribing the fees or deposits to be paid with any application made under this Act or the regulations, and the forms to be used in carrying out this Act and the regulations ;
- (o) prescribing the conditions under which fires may or may not be lighted or used in State forests and timber reserves, regulating or prohibiting the carrying or use of wax matches, fire arms, or the use of traction engines therein ; and generally for the protection of State forests and timber reserves from damage by fire ;
- (p) prohibiting or regulating the destruction or shooting of game in State forests or timber reserves ;
- (q) providing for the organisation of a system of education and training in scientific forestry ;
- (r) providing for the collection of forestry statistics ;
- (s) regulating the commission in the exercise of its powers or discharge of its duties under this Act ;
- (t) regulating the procedure at meetings of the commission and fixing the quorum for the transaction of business ;
- (u) controlling officers and others under the control of the commission.

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And

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No. 55.** And may in such regulations impose a penalty not exceeding twenty pounds for any breach of the same or any contravention or failure to comply with any provision or condition contained in any right, license, or permit granted in pursuance of this Act.

Publication of
regulations.

42. All regulations made under this Act shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. But if either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Seizure and forfeiture.

Seizure and
forfeiture of
timber and
products.

43. (1) Any member of the police force or person authorised by the commission in writing to act under this section—

- (a) may stop and detain any timber or products within the boundaries of a State forest, a timber reserve, or upon any Crown land, or on any public highway or public place ;
- (b) if he has reason to believe that any timber or products have been cut, removed, or otherwise dealt with contrary to the provisions of this Act or the regulations, or have been abandoned, may enter any land and any buildings thereon and seize such timber and products, and place a distinctive mark thereon ; and such timber and products shall thereupon become and remain the property of the Crown until otherwise ordered by a court of petty sessions.

(2)

(2) Where timber or products are seized as aforesaid— George V,
No. 55.

- (a) the person making the seizure shall inform the person in possession of, or owning, or reasonably believed to own the timber or products of the fact of the seizure, or if such person is not known to him shall affix a notice of the seizure on such timber or products, and also at the nearest court of petty sessions ;
- (b) if any person is convicted of the offence aforesaid, or if, in the case of a notice affixed as aforesaid, no one, within fourteen days after the fixing of such notice, claims to be owner of the timber or products, a court of petty sessions shall either order that the same be forfeited to the Crown, or make such order vesting the same in any person as may be thought just.

(3) Any timber or products forfeited in pursuance of this Act may be sold or otherwise disposed of as the commission may direct, and the proceeds of any such sale shall be paid into the Treasury and carried to the Consolidated Revenue Fund.

Penalties.

44. (1) Whosoever—

- (a) offers violence to or assaults, threatens, or attempts to intimidate any officer or other person under the control of the commission while such officer or person is acting in the exercise of his powers or the discharge of his duties under this Act or the regulations ; or
- (b) gives or agrees to give or offers to any such officer or person 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 person in or in relation to the exercise of such powers or the discharge of such duties as aforesaid,

Penalties
for offences
against
officers, &c.

shall be liable to a penalty not exceeding fifty pounds.

(2)

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No. 55.

(2) 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 to do or leave undone something contrary to his duty.

False entries
or returns.

45. Whosoever makes or causes to be made in any book, return, declaration, or statement directed by this Act or the regulations to be kept or made any entry or writing which is false in any material particular shall be liable to a penalty not exceeding one hundred pounds.

Recovery of
penalties.

46. Any penalties and forfeitures under this Act or the regulations, and any penalties, fines, or fees imposed or made payable by any license or permit under this Act, or by any lease of land within a State forest or timber reserve, may be recovered and enforced in a summary way before a stipendiary or police magistrate, or any two justices in petty sessions.

An information or complaint for the recovery of any such penalty, fine, forfeiture, or fee may be laid or made within twelve months from the time when the matter of the information or complaint arose.

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

47. Penalties imposed under this Act or the regulations shall be in addition to, and not in substitution for any penalty or fine, pecuniary or otherwise, imposed by any license or permit issued or granted under this Act, or any lease of land within a State forest or timber reserve.