

FORESTRY (AMENDMENT) ACT.

Act No. 67, 1924.

George V,
No. 67. **An Act** to reconstitute the Forestry Commission; to enable the powers of the said Commission to be extended in certain regards; to amend the Forestry Act, 1916, and certain other Acts: to repeal the Forestry (Temporary Commissioners) Act, 1916, and the Forestry (Temporary Commissioners) Act, 1917; and for purposes connected therewith. [Assented to, 23rd December, 1924.]

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:—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Forestry (Amendment) Act, 1924," and shall be read and construed with the Forestry Act, 1916, which Act is referred to as the Principal Act. (2)

(2) This Act shall come into operation on a date to be appointed by the Governor, and notified by proclamation published in the Gazette. George V,
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2. The Forestry (Temporary Commissioners) Act, 1916, and the Forestry (Temporary Commissioners) Amendment Act, 1917, are hereby repealed. Repeal of Acts
No. 83 of 1916
and No. 16 of
1917.

3. The Principal Act is amended as follows:—

(a) By omitting from section four the definition of “Commissioner”;

Amendment
of Act 1916
No. 55, s. 4.

(b) by omitting subsections one and two of section five and by inserting in lieu thereof the following new subsections:—

Sec. 5 (1) and
(2).

5. (1) The Governor shall appoint some person as commissioner, who shall constitute the Forestry Commission, and who shall, subject to this Act, hold his office for a term of seven years from the date of his appointment. Any person so appointed may at the end of such term be reappointed for a further like term.

Constitution
of commis-
sion-

(2) The term of office of a person appointed commissioner shall be deemed to have expired upon his attaining the age of sixty-five years. The Governor may from time to time as occasion demands appoint a deputy commissioner to act during the absence from duty of the commissioner. While so acting a deputy commissioner shall have all the rights, powers, duties, and obligations of the commissioner;

(c) by omitting section six and by inserting in lieu thereof the following new section:—

Sec. 6.

6. The commissioner shall be paid a salary of one thousand five hundred pounds per annum.

Salary.

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

(d)

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Sec. 7.
Incorporation.

(d) by omitting section seven and by inserting in lieu thereof the following new section :—

7. (1) For the purposes of this Act the person for the time being holding the office of commissioner is constituted a corporation sole under the name of the Forestry Commission of New South Wales, with perpetual succession and a seal of office, and may in that name sue and be sued, proceed and be proceeded against in all courts, and for the purposes of this Act may take, purchase, hold, and enjoy such lands, tenements, and hereditaments as may be required, and also take, purchase, hold, and enjoy any chattels and personal property.

(2) Where any property or interest therein or charge thereon is vested in or acquired by the commission the same shall, unless otherwise disposed of by the commission in accordance with this Act, pass and devolve to and vest in the successors of the commission.

(3) It shall not be lawful for the commission to sell, grant, convey, demise, mortgage, or otherwise dispose of any land, buildings, or hereditaments vested in it, unless in accordance with the express provisions of this Act, or when no express provision is made, unless with the approval of the Governor ;

Sec. 14 (1).

(e) by omitting from subsection one of section fourteen the words "and to the commissioners";

Sec. 41.

(f) by omitting paragraph (t) of section forty-one.

Amendment of
Principal Act,
New ss. 11A, 11B.

4. The Principal Act is further amended by the addition of the following new sections next after section eleven :—

Sylvicultural
management
of certain
lands in
Murrumbidgee
Irrigation
Area.

11A. (1) The Governor may, by proclamation published in the Gazette, vest in the commission the control and sylvicultural management of such lands in the Murrumbidgee Irrigation Area as may from time to time be agreed upon between the commission and the Water Conservation and Irrigation Commission, for such time and upon such terms

terms and conditions as to the division of the revenue therefrom arising or otherwise as may be agreed upon and approved by the Governor.

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(2) Any such lands while so under the management of the Forestry Commission shall be deemed for the purposes of this Act to be State forests.

11B. (1) The Governor may, by proclamation in the Gazette, authorise the commission to undertake upon such terms as are approved by the Governor the sylvicultural management of the catchment area of any system of water supply.

Sylvicultural
management
of certain
lands in
catchment
areas, &c.

(2) The commission may, with the approval of the Governor, undertake the direction and supervision of any scheme of tree planting carried out by any public department or authority.

5. (1) The body corporate constituted by the Forestry Act, 1916, under the name of the Forestry Commission is hereby dissolved, and the powers, duties, and authorities of that body corporate are vested in the corporation sole constituted by the amendment of that Act inserted by section three of this Act.

Dissolution of
existing
commission,
&c.

(2) All real and personal property which at the coming into operation of this Act is vested in the body corporate so dissolved is hereby transferred and vested in the corporation sole, subject to any trusts or equities affecting the same.

(3) All liabilities of the body corporate so dissolved may be pursued against the corporation sole or its successors.

(4) Any reference in any Act, proclamation, by-law, regulation, or other instrument to the body corporate so dissolved may, after the coming into operation of this Act, be construed as a reference to the corporation sole.