

HUNTER VALLEY CONSERVATION TRUST ACT.

Act No. 34, 1950.

George VI, An Act to make provisions for and in relation to flood
No. 34, 1950. mitigation and conservation of natural resources in
the Hunter Valley; to constitute the Hunter Valley
Conservation Trust and to define its powers, authori-
ties, duties and functions; to provide for the declara-
tion of certain lands within the district of the Trust
as areas of erosion danger and areas of erosion risk
and the effect of any such declaration; to enable
restrictions to be imposed upon the use of lands
within the district of the Trust; to levy a conserva-
tion rate upon lands within the district of the Trust;
to amend the Soil Conservation Act, 1938-1949, the
Local Government Act, 1919, and certain other Acts;
and for purposes connected therewith. [Assented to,
6th November, 1950.]

BE

BE it enacted by the King's Most Excellent Majesty, No. 34, 1950.
 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:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Hunter Valley Conservation Trust Act, 1950." Short title, commencement and division into Parts.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—CONSTITUTION OF THE HUNTER VALLEY CONSERVATION TRUST.

PART III.—ASSESSMENT BOARD.

PART IV.—POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE TRUST.

PART V.—WORKS OF SOIL CONSERVATION.

PART VI.—LIMITATION OF STOCKING OF HOLDINGS.

PART VII.—AREAS OF EROSION RISK AND AREAS OF EROSION DANGER.

PART VIII.—PRESERVATION OF TIMBER.

PART IX.—CONTROL OF BUSHFIRES.

PART X.—DESTRUCTION OF RABBITS.

PART XI.—DECLARATION OF STATE WORKS AS CONSERVATION WORKS.

PART XII.—FINANCE.

PART XIII.—RATING.

PART XIV.—MISCELLANEOUS AND GENERAL.

SCHEDULE.

No. 24, 1950.

2. In this Act, unless the context or subject matter otherwise indicates or requires—

Definitions.

“Area of erosion danger” means an area of erosion danger declared as such under the provisions of this Act.

“Area of erosion risk” means an area of erosion risk declared as such under the provisions of this Act.

“Assessment Board” means the Assessment Board constituted under the provisions of this Act.

“Commissioner of the Soil Conservation Service” means the Commissioner of the Soil Conservation Service appointed under the Soil Conservation Act, 1938, as amended by subsequent Acts.

“Council” means council as defined in the Local Government Act, 1919, as amended by subsequent Acts, and includes a county council constituted under that Act as so amended.

“Forestry Commission” means the Forestry Commission of New South Wales constituted under the Forestry Act, 1916, as amended by subsequent Acts.

“Local government area” means a city, municipality or shire within the meaning of the Local Government Act, 1919, as amended by subsequent Acts.

“Local land board” means the local land board constituted under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, for the land district in which any lands within the Trust District are situated or if those lands be situated in more than one land district the local land board for any such district.

“Management Area” means a Management Area declared as such under the provisions of this Act.

“Occupier”

“Occupier” means the person in actual occupation or for the time being entitled to the possession of any land and includes where the person so entitled does not reside on the land his resident manager or other person having the care, control or management of the land and where any land is vested in a council means that council. No. 84, 1950.

“Owner”, in relation to land, includes every person who jointly or severally, whether at law or in equity—

- (a) is entitled to the land for any estate of freehold in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee-simple under the Crown Lands Acts or any other Act relating to the alienation of lands of the Crown; or
- (c) is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise; or
- (d) is the holder of a lease from the Crown or any statutory body representing the Crown.

“Prescribed” means prescribed by this Act or by the regulations thereunder.

“River” includes any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel artificially improved, or in an artificial channel which has changed the course of the stream of water and any affluent, confluent, branch, or other stream into or from which the river flows and, in the case of a river running to the sea or into any coastal bay or inlet or into a coastal lake, includes the estuary of such river and any arm or branch of same and any part of the river influenced by tidal waters.

“Trust”

Hunter Valley Conservation Trust Act.

No. 34, 1950.

“Trust” means the Hunter Valley Conservation Trust constituted under the provisions of this Act.

“Trust District” means the district of the Trust as provided in this Act.

“Trustee” means a trustee of the Hunter Valley Conservation Trust appointed as such pursuant to the provisions of this Act.

Saving as to certain Acts.

3. Nothing in this Act shall affect any of the provisions of the Soil Conservation Act, 1938, the Pastures Protection Act, 1934, the Forestry Act, 1916, the Bush Fires Act, 1949, the Rivers and Foreshores Improvement Act, 1948, or any Act amending any of the said Acts, or repealing and replacing any of the said Acts with or without amendment.

PART II.
CONSTITUTION OF THE HUNTER VALLEY CONSERVATION TRUST.

Constitution of the Trust.

4. (1) There shall be constituted a Trust to be designated the Hunter Valley Conservation Trust which within and in respect of the Trust District shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed on it by or under this Act.

(2) The lands within the boundaries set forth in the Schedule to this Act shall constitute the Trust District.

(3) (a) The Trust shall consist of fourteen trustees who shall be appointed by the Governor. Of such trustees—

(i) one shall be appointed on the nomination of the Minister;

(ii) one shall be appointed on the nomination of the Minister for Public Works;

(iii)

- (iii) one shall be appointed on the nomination of the Minister of Agriculture; No. 34, 1950.
- (iv) one shall be a person who for the time being holds the office of a Commissioner of the Water Conservation and Irrigation Commission constituted under the provisions of the Irrigation Act, 1912, as amended by subsequent Acts, or who is an officer of that Commission;
- (v) one shall be the person who for the time being holds the office of Commissioner or Assistant Commissioner under the provisions of the Forestry Act, 1916, as amended by subsequent Acts, or who is an officer of the Forestry Commission of New South Wales;
- (vi) one shall be the person who for the time being holds the office of Commissioner of the Soil Conservation Service appointed under the provisions of the Soil Conservation Act, 1938, as amended by subsequent Acts, or who is an officer of that Service;
- (vii) two shall be elected by the aldermen and councillors of local government areas, other than the City of Maitland, situated wholly or partly within the Trust District;
- (viii) one shall be elected by the aldermen of the City of Maitland;
- (ix) five shall be appointed on the nomination of the Minister from panels of nominations submitted by any body or association recognised by the Minister as representative of rural landowners within the Trust District.

(b) If no person or an insufficient number of persons is elected or nominated as prescribed in accordance with the provisions of subparagraph (vii) (viii) or (ix) of paragraph (a) of this subsection the Governor may, on the nomination of the Minister, appoint such person or persons as is necessary to complete the number of trustees required by such respective subparagraphs to be elected or nominated and the person or persons so appointed

Hunter Valley Conservation Trust Act.

No. 34, 1950. appointed shall be deemed to have been elected or nominated in accordance with the provisions of subparagraph (vii) (viii) or (ix) as the case may require.

(c) (i) The person appointed pursuant to subparagraph (i) of paragraph (a) of this subsection shall be the Chairman of the Trust.

(ii) One of the trustees shall in and by the instrument by which he is appointed be the Deputy Chairman of the Trust.

(d) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a trustee and any such trustee shall not in his capacity as a trustee be subject to the provisions of any such Act during his tenure of office.

(4) Subject to this Act—

- (a) the Chairman shall hold office for such term, not exceeding seven years, as may be specified in the instrument by which he is appointed and shall be eligible from time to time for reappointment;
- (b) each trustee appointed in accordance with subparagraphs (ii), (iii), (iv), (v) and (vi) of paragraph (a) of subsection three of this section shall hold office for such term, not exceeding seven years, as may be specified in the instrument by which he is appointed, and shall be eligible from time to time for reappointment;
- (c) each trustee appointed in accordance with subparagraphs (vii), (viii) and (ix) of paragraph (a) of subsection three of this section shall hold office for a term of three years and shall be eligible from time to time for reappointment.

(5) (a) Each trustee shall be entitled to receive such remuneration for his services as may from time to time be fixed by the Governor.

(b) Each trustee shall be entitled to receive travelling expenses at such rate as the Governor may from time to time determine.

(c)

(c) A trustee who is an officer of the Public Service or of any statutory body representing the Crown shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration under the provisions of this subsection in addition to any remuneration to which he is entitled as an officer of the Public Service or of any statutory body representing the Crown, as the case may be. .

No. 34. 1950.

(d) The office of a trustee who is appointed in accordance with subparagraph (vii), (viii) or (ix) of paragraph (a) of subsection three of this section shall not, for the purpose of the Constitution Act, 1902, or any Act amending such Act, be deemed to be an office or place of profit under the Crown.

(6) (a) Each trustee before entering upon the duties of his office shall take an oath of allegiance under and in accordance with the Oaths Act, 1900, as amended by subsequent Acts, and shall make and subscribe the following declaration of office:—

“I, having been appointed a trustee of the Hunter Valley Conservation Trust do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.”

(b) If a person after having been afforded an opportunity of taking the oath of allegiance and making and subscribing such declaration neglects to do so for a period of one month, or during such extended period as the Governor may appoint pursuant to paragraph (c) of this subsection, after the date upon which he is appointed, he shall upon the expiration of such period of one month or extended period, as the case may be, be deemed to have declined to accept office.

(c) Where the Governor is satisfied that the delay in taking such oath and making and subscribing such declaration is unavoidable he may extend the time for taking such oath and making and subscribing such declaration for any period not exceeding six months.

(d)

380 **Hunter Valley Conservation Trust Act.**

No. 34, 1950.

(d) Any person who is deemed to have declined to accept office shall not be eligible to be reappointed to fill the vacancy created.

(7) The Governor may for any cause which appears to him sufficient remove a trustee from office.

(8) A trustee shall be deemed to have vacated his office if he—

- (a) being a trustee appointed in accordance with subparagraph (iv), (v) or (vi) of paragraph (a) of subsection three of this section, ceases to hold the qualification by virtue of which he was appointed;
- (b) becomes bankrupt, compounds with his creditors or makes an assignment of his estate for their benefit;
- (c) is absent from four consecutive ordinary meetings of the Trust without leave granted by the Trust;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898, as amended by subsequent Acts;
- (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (f) resigns his office by writing under his hand addressed to the Minister;
- (g) is removed from office by the Governor; or
- (h) declines office or is deemed to have declined office.

(9) Any trustee who is in any wise personally concerned or interested in any bargain or contract made by or on behalf of the Trust for any purpose connected with or relating to the powers, authorities, duties or functions of the Trust or in any wise participates or claims to be entitled to participate in the profit of any such

such bargain or contract or in any benefit or emolument arising therefrom shall thereby vacate his office as a trustee and shall also be liable upon summary conviction to a penalty not exceeding fifty pounds: No. 34, 1950.

Provided that a trustee shall not vacate his office or be liable to any penalty as aforesaid by reason only of—

- (a) being beneficially interested in any newspaper or other advertising medium used by the Trust; or
- (b) being a shareholder or member but not a director or manager of any incorporated company of more than twenty persons with which the Trust has entered into any bargain or contract for any purpose connected with or relating to the powers, authorities, duties or functions of the Trust.

(10) On the occurrence of a vacancy in the office of a trustee a person appointed to fill the vacant office shall subject to this Act hold office for the remainder of the unexpired term of the vacant office.

(11) (a) For the purposes of the election of trustees in accordance with the provisions of subparagraph (vii) of paragraph (a) of subsection three of this section or of a trustee in accordance with the provisions of subparagraph (viii) of the said paragraph the Minister may appoint a returning officer and such deputy returning officers and may establish such polling places as he may deem necessary.

(b) Any such election shall be carried out and conducted and the result thereof certified to the Governor as prescribed by the regulations.

(c) On the occurrence of a vacancy in the office of a trustee elected in accordance with the provisions of subparagraph (vii) or (viii) of paragraph (a) of subsection three of this section an election shall be held for the purpose of filling the vacancy unless the date upon which the vacancy occurred is within six months of the date of expiry of the term for which the trustee whose office has become vacant was appointed, in which case the
Governor

Hunter Valley Conservation Trust Act.

No. 34, 1950. Governor on the nomination of the Minister may appoint a person to be a trustee for the balance of the term for which the trustee whose office has become vacant was appointed.

The provisions of paragraphs (a) and (b) of this subsection shall apply to any election held pursuant to this paragraph.

**Trust to
be a body
corporate.**

5. (1) The Trust shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes of and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising and disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the Trust shall be "The Hunter Valley Conservation Trust."

(3) The common seal shall be kept in the custody of the Secretary and shall not be affixed to any instrument except in pursuance of a resolution of the Trust. Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two trustees or of one trustee and the Secretary.

(4) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Trust and shall presume that such seal, when affixed to any document or writing, was properly affixed thereto.

(5) (a) In the case of the absence from duty of the Chairman, the Deputy Chairman shall act in his place and whilst so acting shall have the immunities and may exercise all the powers and authorities of the Chairman.

(b) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Deputy Chairman to act in the place of the Chairman and all acts or things done or omitted by the Deputy Chairman while so acting shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the Chairman.

(6)

(6) (a) The procedure for the calling of meetings of the Trust and for the conduct of business at such meetings shall, subject to this Act and any regulations in relation thereto, be as determined by the Trust. No. 34, 1950.

(b) The Chairman or, in his absence, the Deputy Chairman, shall preside at all meetings of the Trust at which he is present and in addition to a deliberative vote shall, if the voting be equal, have a second or casting vote.

(c) Seven trustees, one of whom shall be the Chairman or, in his absence, the Deputy Chairman, shall form a quorum, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Trust and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Trust. A decision of the majority of the trustees present at a meeting of the Trust shall be the decision of the Trust.

(d) The Trust shall cause minutes of its decisions to be kept upon the official papers and cause minutes to be kept of its proceedings at formal meetings.

(7) (a) No matter or thing done, and no contract entered into by the Trust, and no matter or thing done by any trustee or by any other person whomsoever acting under the direction of the Trust shall, if the matter or thing was done or the contract was entered into bona fide for the purposes of executing this Act, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(b) Nothing in this subsection shall exempt any trustee from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the Trust and which such trustee authorised or joined in authorising.

(8) No act or proceeding of the Trust shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any trustee.

Hunter Valley Conservation Trust Act.

No. 34, 1950.
Officers
and
employees.

6. (1) The Trust may employ a Secretary and the appointment of such Secretary shall be subject to the approval of the Minister.

(2) (a) The Trust may, subject to the approval of the Minister, appoint or employ such officers as may be necessary to enable the Trust to exercise and discharge the powers, authorities, duties and functions conferred and imposed on the Trust by or under this or any other Act.

(b) The conditions of employment of such officers and the salary and allowances paid to such officers shall, where such conditions, salary and allowances are not fixed in accordance with the provisions of any other Act, be such as may be approved by the Minister.

(3) The Trust may appoint, employ and dismiss such casual employees as it deems necessary and may fix wages and conditions of employment for such casual employees where such wages and conditions are not fixed in accordance with the provisions of any other Act.

PART III.

ASSESSMENT BOARD.

Assessment
Board

7. (1) For the purposes of this Act there shall be constituted an Assessment Board.

(2) The Assessment Board shall consist of three members who shall be appointed by the Governor.

Of such members—

(a) one shall be appointed on the nomination of the Minister and shall, in and by the instrument by which he is appointed, be Chairman of the Assessment Board;

(b) one shall be appointed on the nomination of the Minister of Agriculture; and

(c) one shall be appointed on the nomination of the Trust.

(3)

(3) The Governor may from time to time on the recommendation of the Minister revoke the appointment of any member of the Assessment Board and may appoint another member to the Assessment Board upon the like nomination as that of the member whose appointment has been revoked.

No. 34, 1950.

(4) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of a member of the Assessment Board and such member shall not in his capacity as a member be subject to the provisions of any such Act.

(5) Each member of the Assessment Board shall be entitled to receive—

- (a) such remuneration for his services as may from time to time be fixed by the Governor; and
- (b) travelling expenses at such rate as the Governor may from time to time determine.

(6) A member of the Assessment Board who is an officer of the Public Service or of any statutory body representing the Crown shall, notwithstanding the provisions of any Act or of any rule or regulation made under any Act, be entitled to receive remuneration under the provisions of subsection five of this section in addition to any remuneration to which he is entitled as an officer of the Public Service or of any statutory body representing the Crown, as the case may be.

(7) The office of a member of the Assessment Board shall not for the purpose of the Constitution Act, 1902, or any Act amending such Act, be deemed to be an office or place of profit under the Crown.

8. (1) The Assessment Board shall have and may exercise and discharge the powers, authorities, duties and functions conferred or imposed upon it by or under this Act.

Powers of
Assessment
Board.

(2) For the purpose of the exercise and discharge of its powers, authorities, duties and functions the Assessment Board may—

- (a) enter at all reasonable times and inspect any lands within the Trust District;
- (b)

No. 24, 1950.

- (b) require any owner or occupier of lands within the Trust District to furnish such information relative to the numbers or numbers and classes of livestock usually carried on the lands within the preceding five years and purchases or sales of that livestock made by him during that period as the Assessment Board may require and to verify such information to the satisfaction of the Assessment Board;
- (c) require the Pastures Protection Board constituted under the Pastures Protection Act, 1934, as amended by subsequent Acts, for the pastures protection district within which any lands within the Trust District are situated, to produce for the inspection of the Assessment Board all or any returns made by any owner or occupier of the lands pursuant to the provisions of that Act and, where an assessment of carrying capacity has been made by the Pastures Protection Board in respect of any such lands, that assessment.

PART IV.

POWERS, AUTHORITIES, DUTIES AND FUNCTIONS OF THE TRUST.

Minis-
terial
control.

9. In the exercise and discharge of its powers, authorities, duties and functions, the Trust shall be subject in all respects to the control and direction of the Minister.

Certain
powers of
Trust.

10. (1) In addition to the powers, authorities, duties and functions expressly conferred or imposed upon it by or under this Act, the Trust may report and make recommendations to the Minister as to—

- (a) the nature, location, form and extent of any work or proposed work for the purpose of soil conservation, afforestation, reforestation, flood mitigation, water conservation, irrigation or river improvement within the Trust District;
- (b)

- (b) the time of commencement and order and rate of construction of any such works and the priority which should be accorded to any such work over any other such work within the Trust District; No. 34, 1950
- (c) such matters relating to the Trust District as the Trust may consider expedient.
- (2) The Trust shall—
- (a) report and make recommendations to the Minister in regard to any matters within the Trust District which he may refer to the Trust;
- (b) prepare and submit to the Minister each year a report of the activities of the Trust for the preceding twelve months ending on the thirtieth day of June.

PART V.

WORKS OF SOIL CONSERVATION.

11. (1) Where the Commissioner of the Soil Conservation Service is of the opinion that serious soil erosion is occurring or has occurred on any lands within the Trust District or such lands are eroded to such a degree as to cause or contribute to or aggravate or be likely to cause or contribute to or aggravate the erosion of other lands or the siltation of any water course or the flooding or inundation of any lands or to cause or be likely to cause serious damage to or interference with any work of water storage or water supply and remedial works or measures should be undertaken on such first-mentioned lands the Commissioner of the Soil Conservation Service may report accordingly to the Trust and in such report specify the remedial works or measures which he considers should be so undertaken.

Soil conservation works to be carried out on lands in Trust District.

(2)

No. 34, 1950

(2) After report by the Commissioner of the Soil Conservation Service as aforesaid the Trust may—

- (a) where in its opinion the circumstances are such that a contribution by the Trust towards the cost of such remedial works or measures is justified give the owner of the lands notice in writing of the remedial works or measures which the Trust considers should be carried out on the lands and of the contribution which the Trust is willing to make towards the cost thereof; or
- (b) in any other case by notice in writing direct the owner of the lands to carry out on the lands the remedial works or measures which the Trust considers should be carried out on the lands.

(3) The Trust shall set out in any such notice details of the works or measures to be carried out on the lands, the order of carrying out such works or measures and the time within which and the rate at which each such work or measure shall be commenced, carried out and completed and where the Trust offers to contribute towards the cost shall set out the conditions to which such offer is subject including conditions that—

- (a) the works or measures shall be carried out and completed to the satisfaction of the Commissioner of the Soil Conservation Service;
- (b) the owner shall agree to limit the livestock which he shall carry on the lands to such total numbers or numbers of specified classes as the Trust on the recommendation of the Assessment Board may specify;
- (c) the owner shall accept the offer within such time as may be specified in the notice.

(4) Upon acceptance of any such offer within the time specified therein and upon completion of the works and measures in accordance with the conditions of any such offer the owner of the lands shall be entitled to receive from the Trust the contribution.

12. Where the Trust has offered to contribute towards the cost of any works or measures pursuant to the provisions of this Part and the owner of the lands—

No. 34, 1950.

Failure to accept or comply with offer by Trust to contribute to works or measures.

- (a) fails to accept the offer within the specified time; or
- (b) having accepted the offer fails to commence or to carry out the works or measures or any of them in accordance with the requirements of the Trust as set out in the offer or otherwise fails in any respect to observe and comply with the conditions of the offer,

the Trust may, in accordance with paragraph (b) of subsection two of section eleven of this Act, direct the owner to carry out such works or measures or such of them as the owner has failed to commence or carry out, as the case may require. Thereupon the owner shall cease to be entitled either wholly or to such extent as the Trust may determine to the contribution towards the cost of any such works or measures.

13. (1) The owner of the lands may within twenty-eight days after service upon him of the direction referred to in paragraph (b) of subsection two of section eleven of this Act lodge with the Trust an objection in writing thereto setting out the grounds of objection.

Reference of objection to direction to local land board.

(2) (a) The Trust shall refer any such objection to the local land board for inquiry and report.

(b) Upon the receipt of such reference the local land board shall hold an inquiry into the matters raised by the objection.

(c) The local land board shall notify the owner and the Trust of the holding of the inquiry and the owner and the Trust shall be permitted to attend the inquiry and be heard.

(d) The local land board shall recommend to the Trust whether the direction should be given effect to, or the direction should be given effect to subject to such amendments as the local land board may think fit, or the direction should not be given effect to.

No. 34, 1950.

(3) Upon receipt of the recommendation of the local land board the Trust may adopt such recommendation or refer the matter to the Minister. The decision of the Minister in any such case shall be final and shall be given effect to by the Trust. A direction in writing in accordance with the recommendation of the local land board adopted by the Trust or the decision of the Minister, as the case may be, shall be given by the Trust to the owner of the lands affected by such recommendation or decision.

Failure to comply with direction of Trust to carry out works.

14. If the owner of lands to whom a direction has been given pursuant to paragraph (b) of subsection two of section eleven of this Act and who has not lodged any objection in accordance with section thirteen of this Act, or the owner of lands to whom a direction has been given pursuant to subsection three of section thirteen of this Act, fails to comply in any respect with the terms of any such direction the Trust may cause the works or measures specified in the direction to be carried out by any person or public authority and may recover the cost incurred from the owner of the lands in any court of competent jurisdiction as a debt due and owing to the Trust and until repayment such cost shall be a charge on the lands.

Works to be constructed by public authorities, etc., for protection of works of water supply, etc.

15. (1) Where the Commissioner of the Soil Conservation Service is of the opinion that works to prevent or mitigate soil erosion should be undertaken on any lands within the Trust District for the purpose of minimising or preventing the possibility of injury or damage to or interference with any works of water storage or water supply or any work or property vested in any Department of the State, public authority or council, the Commissioner of the Soil Conservation Service may report accordingly to the Trust and in such report specify the works which should be so undertaken. The Trust may thereupon authorise any Department of the State, public authority or council to undertake any such works and for such purpose any such Department, public authority or council may enter such lands and there construct, operate and maintain such works.

(2) Where the Commissioner of the Soil Conservation Service is of the opinion that erosion of the bed or banks of any water course is occurring on lands within the Trust District of one owner whereby lands within the Trust District of another owner are being or are likely to be damaged or prejudicially affected, the Commissioner of the Soil Conservation Service may report accordingly to the Trust and in such report specify the works which should be undertaken to prevent or mitigate such erosion. The Trust may thereupon authorise any Department of the State, public authority, council or person to undertake any such works and for such purposes any such Department, public authority, council or person may enter such lands and there construct, operate and maintain such works.

(3) No person shall be entitled to claim or be paid any compensation whatsoever by reason of or arising out of the exercise of the powers conferred by this section.

16. (1) Where the Trust is of the opinion that any road, railway or work owned or controlled by any Department of the State, public authority, council or person results in the concentration or diversion of stormwaters or floodwaters to such a degree or in such a manner as to cause, contribute to or aggravate or be likely to cause, contribute to or aggravate the erosion of any lands within the Trust District or the siltation of any water course or the flooding or inundation of any lands or to cause or be likely to cause serious damage to or interference with any work of water storage or water supply the Trust may by notice in writing require the Department of the State, public authority, council or person in or by which the road, railway or work or the land on which the road, railway or work is situated is vested, owned or controlled and within such time as the Trust may specify to carry out all such works and do all such things as may be necessary or requisite to ensure that the erosion of any lands within the Trust District or the siltation of any water course or the flooding or inundation of any lands or serious damage to or interference with

Works of public authorities, etc., contributing to soil erosion and flooding.

No. 34, 1950. with any work of water storage or water supply shall not be caused contributed to or aggravated or be likely to be caused, contributed to or aggravated by the concentration or diversion of stormwaters or floodwaters by the road, railway or work as aforesaid.

(2) Upon receipt of any such notice the Department of the State, public authority, council or person to which or to whom the notice has been given shall do all things necessary to comply with the requirements thereof.

(3) The Trust may contribute towards the cost incurred by any council in complying with any requirement of the Trust pursuant to this section an amount not exceeding one-quarter of such cost.

(4) If any person to whom a notice has been given pursuant to the provisions of this section fails to do all things necessary to comply with the requirements of the notice the Trust may cause the work to be carried out and may recover the cost incurred in any court of competent jurisdiction as a debt due and owing to the Trust by that person and until repayment such cost shall be a charge on the lands.

PART VI.

LIMITATION OF STOCKING OF HOLDINGS.

Stocking
of hold-
ings may
be limited
by Trust.

17. (1) Where in respect of any lands within the Trust District which whether owned or occupied in different interests or not are worked as one property the Trust is of opinion that in order to prevent or mitigate soil erosion the number of livestock which may be carried on the lands should be restricted the Trust may direct the Assessment Board to assess the carrying capacity of the lands. The Assessment Board shall thereupon report to the Trust the result thereof.

(2)

(2) In assessing the carrying capacity of the lands the Assessment Board shall have regard to— No. 34, 1950

- (a) the condition of the lands in respect of soil erosion;
- (b) the classes of soils included in the lands and the slopes of the surfaces thereof;
- (c) the kinds of grasses and pastures growing on the lands;
- (d) the provision (if any) made on the lands for reserve fodder;
- (e) the area (if any) of the lands cultivated or usually cultivated for fodder production;
- (f) the works or measures (if any) undertaken on the lands for pasture improvement;
- (g) the works or measures (if any) undertaken on the lands for the prevention or mitigation of soil erosion;
- (h) the provision for stock water supplies on the lands;
- (i) any other matters which, in the opinion of the Assessment Board, affect the livestock carrying capacity of the lands.

(3) Upon receipt from the Assessment Board of the result of any assessment hereinbefore referred to the Trust may having regard to the factors specified in subsection two of this section make a provisional determination limiting the total number of livestock or the numbers of livestock of specified classes which may be carried on the lands.

(4) In any such provisional determination the limitation may be varied for different times of the year and shall be for such period not less than five years nor more than ten years commencing not less than six months after the date of the provisional determination as the Trust may decide.

(5) The Trust shall give to the owner and the occupier of the lands a notice in writing of the provisional determination and in such notice shall set out full particulars thereof.

(6)

Hunter Valley Conservation Trust Act.

No. 84/1950.

(6) The owner or occupier of the lands may within twenty-eight days of the service upon him of the notice referred to in subsection five of this section make representations in writing to the Trust with regard to the matters specified in the provisional determination.

(7) The Trust shall give consideration to any representations made pursuant to subsection six of this section and having regard to such representations may vary the provisional determination.

(8) The Trust may where no representations have been made within the time prescribed by subsection six of this section or in any other case after consideration of such representations so made make a determination limiting the total number of livestock or the numbers of livestock of specified classes which may be carried on such lands. The provisions of subsection four of this section shall apply to and in respect of any such determination. Notice in writing of such determination shall be given to the owner and occupier of the lands to which such determination relates.

(9) The owner or occupier of such lands may within twenty-eight days of the service of the notice referred to in subsection eight of this section lodge with the Trust an objection in writing thereto specifying the grounds of the objection.

(10) (a) Where any such objection is so lodged the Trust shall refer the objection to the local land board.

Upon the receipt of such reference the local land board shall hold an inquiry into the matters raised by the objection and may make such amendment of the determination as it thinks fit.

(b) The local land board shall notify the objector and the Trust of the holding of the inquiry and the objector and the Trust shall be permitted to attend the inquiry and be heard.

(c) The local land board shall announce its decision in open court and shall thereupon report in writing upon the inquiry to the Trust.

(11)

(11) The objector may within twenty-one days of ^{No. 34, 1950} the decision of the local land board appeal against such decision to the Minister. The decision of the Minister on any such appeal shall be final.

(12) The determination of the Trust made pursuant to subsection eight of this section or as amended by the local land board pursuant to subsection ten of this section or the decision of the Minister pursuant to subsection eleven of this section shall be published in the Gazette and upon publication the determination shall take effect and shall during the currency thereof bind the owners and occupiers of the lands to which it relates.

(13) Any such determination may be renewed by the Trust from time to time. Notice in writing of such renewal shall be given to the owner and occupier of the lands to which such determination relates within a reasonable time before the expiration of the period of such determination. The provisions of subsections nine, ten, eleven and twelve of this section shall apply, mutatis mutandis, to and in respect of any such renewal.

Where a determination is proposed to be renewed such determination shall, notwithstanding any provisions of this section, remain in force until such renewal is published in the Gazette or otherwise disposed of.

(14) Any person who during the currency of any determination uses or permits to be used the lands to which the determination relates contrary to the terms of such determination shall be guilty of an offence against this Act.

18. The owner or occupier of any lands to which a determination under this Part of this Act relates may once in each period of twelve months of the currency of such determination apply to the Trust for a review of such determination. If the owner or occupier satisfies the Trust that by reason of works or measures of soil conservation or pasture improvement carried out on the

Variation of
determina-
tion.

lands

No. 34, 1950. lands or of increased fodder production or fodder conservation on the lands the determination ought to be varied the Trust may on the recommendation of the Assessment Board vary the determination.

Any owner or occupier dissatisfied with any decision of the Trust under this section may within twenty-one days of being notified of such decision appeal to the Minister. The decision of the Minister shall be final.

Further limitations on any determination.

19. (1) Where a determination has been made in respect of any lands pursuant to the provisions of this Part of this Act and the Trust is of opinion that notwithstanding the limitation imposed by that determination increased soil erosion is occurring or is likely to occur on such lands to such an extent as to cause or contribute to or aggravate or be likely to cause or contribute to or aggravate the erosion of other lands or the siltation of any water course or the flooding or inundation of any lands or to cause or be likely to cause serious damage to or interference with any work of water storage or water supply the Trust may direct the Assessment Board to inspect the lands to which the determination relates and to make a report and recommendation to the Trust as to whether the total number or the numbers of specified classes of livestock which may be carried on the lands should be decreased or otherwise varied.

(2) On receipt of the report and recommendation of the Assessment Board the Trust may vary the determination in such manner as the Trust may deem expedient.

The provisions of subsections five, six, seven, eight, nine, ten, eleven and twelve of section seventeen of this Act shall, mutatis mutandis, apply to any variation under this section.

Limitation on stocking where lands subject to a determination are subdivided.

20. (1) Where the Trust becomes aware of a change in ownership or occupation of any part of the lands to which a determination under this Part of this Act relates the Trust may forthwith make an interim determination of the total number of livestock or the numbers of specified classes of livestock which may be carried on each

of

of the several parts of such lands. The aggregate of the numbers of livestock or the numbers of specified classes of livestock in each such interim determination shall not be less than the respective numbers specified in the determination in force in respect of the lands immediately prior to the making of the interim determinations. No. 34, 1950.

(2) The Trust shall give the owners and occupiers of the lands in respect of which any such interim determination is made notice in writing thereof and thereupon the interim determination shall apply to such lands until a determination has been made in respect thereof in accordance with the provisions of this Part of this Act.

(3) The term of any interim determination shall not exceed a period of twelve months:

Provided that where a determination in respect of the lands to which the interim determination was applied has not taken effect in accordance with the provisions of this Part of this Act within the said period of twelve months the interim determination shall continue in full force and effect until such determination takes effect.

(4) Any person who during the currency of any interim determination uses or permits to be used the lands to which such interim determination relates contrary to the terms of such interim determination shall be guilty of an offence against this Act.

21. No person shall be entitled to claim or be paid any compensation whatsoever by reason of or in any way arising out of a determination or interim determination made under the provisions of this Part of this Act. No compensation payable

22. (1) The Trust may by notification in the Gazette and by advertisement in two newspapers circulating within the Trust District prohibit the keeping of goats upon any lands within the Trust District specified in such notification. Power of Trust to prohibit keeping of goats.

(2) Any goats which are found upon any lands upon which the keeping of goats has been prohibited pursuant to this section may be impounded by any officer or employee of the Trust and may be destroyed.

(3)

No. 34, 1950.

(3) Any person who takes or keeps any goat upon any lands upon which the keeping of goats has been prohibited pursuant to this section shall be guilty of an offence against this Act and shall be liable upon summary conviction for the first offence to a penalty not exceeding two pounds for each goat taken or found upon the lands and for each subsequent offence to a penalty not exceeding five pounds for each goat so taken or found.

Definition
of "deter-
mination."

23. In this Part of this Act "determination" includes renewal of a determination or a determination varied in accordance with the provisions of this Part of this Act.

PART VII.

AREAS OF EROSION RISK AND AREAS OF EROSION DANGER.

Declaration
of lands as
areas of
erosion risk
or erosion
danger.

24. (1) Where in the opinion of the Trust any lands within the Trust District are subject to erosion or liable or likely to become subject to erosion, the Trust may recommend to the Minister that such lands be declared an area of erosion risk.

(2) Where in the opinion of the Trust any lands within the Trust District are eroded to such a degree as to cause or contribute to or aggravate or be likely to cause or contribute to or aggravate the erosion of other lands or the siltation of any water course or the flooding or inundation of any lands or to cause or be likely to cause serious damage to or interference with any work of water storage or water supply, the Trust may recommend to the Minister that such first-mentioned lands be declared an area of erosion danger.

(3)

(3) (a) The Minister may on receipt of the recommendation referred to in subsection one or two of this section notify in the Gazette a proposal to declare such lands an area of erosion risk or an area of erosion danger, as the case may be. No. 34, 1950.

(b) Such notification shall contain—

- (i) a description of the lands to which the proposal relates;
- (ii) the names of the owners and occupiers of such lands in so far as the same may be known to the Minister;
- (iii) the period within which objections may be lodged;
- (iv) a brief reference to the provisions of this Act relating to areas of erosion risk or areas of erosion danger, as the case may be;
- (v) such other information as the Minister may deem necessary or desirable.

(c) A copy of such notification shall be published on two separate occasions in a newspaper circulating in the locality in which the lands the subject of the proposal are situated.

(d) Any owner or occupier or person having any estate or interest in any of the lands to which the proposal relates may within eight weeks of the publication of the notification in the Gazette lodge with the Minister an objection in writing to the inclusion thereof in the proposed area of erosion risk or area of erosion danger, as the case may be, setting out the grounds of such objection.

(e) The Minister shall give consideration to all such objections and may, in order to meet any such objection, make such alteration of the proposal as he may think fit.

(f) The Minister may, after consideration of the objections (if any) lodged as aforesaid, by notification in the Gazette declare the whole or any part of the lands included in the proposal to be an area of erosion risk or an area of erosion danger, as the case may be.

No. 34, 1950.

Areas of
erosion
risk.
Power
of Trust
to notify
restrictions.

25. (1) If in the opinion of the Trust the grazing of any livestock upon any lands within an area of erosion risk is likely to cause or contribute to or aggravate the erosion of such lands or other lands or the siltation of any water course or the flooding or inundation of any lands or to cause or be likely to cause serious damage to or interference with any work of water storage or water supply whether on such lands or other lands the Trust may from time to time, by notice in writing to the owner and occupier of such first-mentioned lands—

- (a) prohibit the grazing of sheep on such lands for any period being not less than one year nor more than ten years commencing on a date not less than six months after the date of such notice;
- (b) prohibit the grazing of livestock other than sheep or of any specified classes of livestock other than sheep on such lands for a period being not less than one year nor more than four years commencing on a date not less than six months after the date of such notice.

(2) In imposing any such prohibition the Trust shall have regard to—

- (a) the period of the year;
- (b) the prevailing seasonal conditions;
- (c) the number and classes of livestock carried on the lands;
- (d) the condition of the lands in relation to the matters mentioned in subsection one of this section.

(3) Any prohibition of grazing of livestock other than sheep applied in pursuance of subsection one of this section—

- (a) may be applied notwithstanding that a prohibition of the grazing of sheep has also been applied;
- (b) to lands within the Trust District owned in the same interest shall not be applied to more than one-half of the total area of such lands.

(4)

(4) (a) The owner or occupier of any lands to whom a notice has been given under subsection one of this section may, within eight weeks of the receipt of such notice, lodge with the Minister an objection in writing to the prohibition being applied in respect of the lands or to any matters specified in the prohibition setting out the grounds of objection. No. 34, 1950.

(b) The Minister shall give consideration to any such objection and may, where he thinks the circumstances warrant, direct the Trust to revoke or vary the prohibition. Upon receipt of any such direction the Trust shall revoke or vary the prohibition accordingly and shall give notice of such revocation or variation to the owner and occupier of the lands to which such prohibition applies.

(5) The period during which any prohibition applied under paragraph (a) of subsection one of this section is in force may be extended from time to time by the Trust.

The provisions of subsections one (the commencing date of the prohibition excepted) two and four of this section shall apply, mutatis mutandis, to any such extension.

(6) Where a prohibition upon the grazing of livestock other than sheep has been applied under paragraph (b) of subsection one of this section to any lands no further prohibition upon the grazing of livestock other than sheep shall be applied to such lands until the expiration of a period at least equal to the period within which the prior prohibition has been in force.

(7) If during the currency of any prohibition applied pursuant to the provisions of subsection one of this section the Trust is satisfied that the grazing of sheep, the grazing of livestock other than sheep or the grazing of specified classes of livestock other than sheep, as the case may be, on the lands to which the prohibition applies may be safely resumed the Trust may cancel such prohibition or suspend such prohibition for such period as it thinks fit or vary such prohibition in such manner as it thinks fit.

(8)

No. 34, 1950.

(8) The Trust may as a condition of any variation or suspension of any such prohibition stipulate that—

- (a) specified works for the purposes of soil conservation or the improvement of pastures be carried out on the lands to which such prohibition applies to the satisfaction of the Trust within a specified time; and
- (b) the number of sheep to be carried on such lands shall not exceed such number as the Trust may on the recommendation of the Assessment Board determine.

(9) Any person who during the currency of any prohibition uses or permits to be used the lands to which the prohibition applies otherwise than in accordance with such prohibition shall be guilty of an offence against this Act.

Terms of prohibition to be covenants of lease.

26. In respect of any lands within an area of erosion risk to which a prohibition has been applied under the provisions of subsection one of section twenty-five of this Act there shall be deemed to be included in any lease of such lands, whether made before or after the commencement of this Act, a covenant by the lessee that he will during the currency of such prohibition comply with and observe such prohibition.

Lands within areas of erosion risk may be declared areas of erosion danger on conviction of owners or occupiers.

27. In the event of any owner or occupier of lands in respect of which a prohibition has been applied under the provisions of subsection one of section twenty-five of this Act being convicted on more than two occasions of an offence against the provisions of subsection nine of the said section and the Trust so recommending—

- (a) the Minister may declare such lands or any part thereof an area of erosion danger; or
- (b) such lands or any part thereof may be—
 - (i) resumed under the provisions of this Part of this Act as if they were lands within an area of erosion danger; and
 - (ii) sold or otherwise disposed of by the Minister by public tender.

28.

28. (1) Where a prohibition has been applied to any lands pursuant to subsection one of section twenty-five of this Act the Assessment Board shall in each year during the currency of the prohibition assess the loss (if any) which has been sustained by the owner and occupier of such lands by reason of such prohibition and forthwith notify the Trust accordingly.

No. 34, 1950.

Assessment of loss attributable to prohibition.

(2) In assessing any such loss the Assessment Board shall have regard to—

- (a) the condition of the lands in respect of soil erosion and the extent to which overstocking of the lands has contributed thereto;
- (b) the livestock carrying capacity of the lands;
- (c) any improvement in that carrying capacity resulting from any previous prohibition under the provisions of section twenty-five of this Act;
- (d) seasonal conditions; and
- (e) such other matters as the Assessment Board may deem necessary.

(3) Upon receipt of the notification of the assessment of loss pursuant to subsection one of this section the Trust shall forthwith by notice in writing furnish particulars thereof to the owner and occupier of the lands.

(4) Any such owner or occupier may within twenty-eight days of the date of service of such notice lodge with the Trust an objection in writing to such assessment setting out particulars of the amount of the loss which he claims to have sustained by reason of the prohibition and the manner in which such amount has been calculated.

(5) (a) Where any such objection is so lodged the Trust shall forthwith refer the objection to the local land board. Upon receipt of such reference the local land board shall hold an inquiry for the purpose of determining and shall determine the amount of the loss sustained by the objector by reason of the prohibition.

(b)

Hunter Valley Conservation Trust Act.

No. 34, 1950.

(b) The local land board shall notify the objector and the Trust of the holding of the inquiry and the objector and the Trust shall be permitted to attend the inquiry and be heard.

(c) The local land board shall announce its decision in open court and shall thereupon report in writing upon the inquiry to the Trust.

(6) Where an inquiry is held under this section the Trust or the objector may within twenty-eight days of the announcement of the decision of the local land board appeal to the Land and Valuation Court against the decision of the local land board. The decision of the Land and Valuation Court shall be final.

The appeal shall be made as prescribed by rules of court of the Land and Valuation Court and be accompanied by a fee of five pounds as security for the costs of the appeal. Notice of appeal in the prescribed form shall be given by the appellant to the other party upon the lodgment of the appeal in the Land and Valuation Court.

(7) The Trust shall contribute by way of payment to the person entitled thereto one-half of the amount of the loss sustained by him as assessed and determined in accordance with this section and such person shall not be entitled to any payment whatsoever by way of contribution or compensation in respect of the remaining half thereof.

(8) Any payment to be made by the Trust pursuant to subsection seven of this section shall be made—

- (a) where no objection has been lodged against an assessment—within thirty days of the expiration of the period within which any such objection may have been lodged;
- (b) where a determination in respect of an assessment has been made by a local land board and no appeal has been lodged against such determination—within thirty days of the expiration of the period within which such appeal may have been lodged; or

(c)

(c) in every other case—within thirty days of the decision of the Land and Valuation Court: No. 34, 1950.

Provided that where all persons entitled to contribution in respect of an assessment notify the Trust in writing of their acceptance of such assessment the payment by the Trust shall be made within thirty days of the receipt by the Trust of such acceptance.

29. (1) Where the Commissioner of the Soil Conservation Service is of the opinion that the cultivation of any lands within an area of erosion risk or the use of any such lands for any agricultural purpose is causing or contributing to or aggravating or is likely to cause or contribute to or aggravate the erosion of such lands or other lands or the siltation of any water course or the flooding or inundation of any lands or is causing or is likely to cause serious damage to or interference with any work of water storage or water supply the Commissioner of the Soil Conservation Service may report to the Trust accordingly and in such report recommend that the cultivation of such lands or the use of such lands for agricultural purposes should be prohibited or restricted in such manner as he may specify. The Trust may thereupon by notice in writing to the owner and occupier of such lands prohibit the cultivation of such lands, the use of such lands for any agricultural purpose, or the use of such lands for any specified agricultural purpose, or prohibit such cultivation or any such use except upon such conditions as the Trust on the recommendation of the Commissioner of the Soil Conservation Service may impose.

Restrictions on cultivation of lands within areas of erosion risk.

(2) The notice referred to in subsection one of this section shall specify the date of commencement and the period of the prohibition.

(3) The owner or occupier of lands to whom notice has been given under subsection one of this section may within eight weeks of the receipt of such notice lodge with the Minister an objection in writing to the prohibition being applied in respect of the lands or to any matters specified in such prohibition.

(4)

No. 34, 1950.

(4) The Minister shall give consideration to any such objection and may where he thinks the circumstances warrant direct the Trust to revoke or vary the prohibition. Upon receipt of any such direction the Trust shall revoke or vary the prohibition accordingly and shall give notice of such revocation or variation to the owner and occupier of the lands to which such prohibition applies.

(5) Any person who during the currency of any prohibition cultivates or uses or permits to be cultivated or used the lands to which the prohibition applies otherwise than in accordance with such prohibition shall be guilty of an offence against this Act.

(6) Any prohibition applied pursuant to this section may from time to time be renewed or varied or may be revoked.

(7) No person shall be entitled to claim or be paid any compensation whatsoever by reason of or in any way arising out of a prohibition pursuant to this section having been applied to any lands.

Acquisition
of lands
within
areas of
erosion
danger.

30. (1) (a) Any lands within an area of erosion danger may be purchased, resumed or appropriated under the Public Works Act, 1912, as amended by subsequent Acts, and such purchase, resumption or appropriation shall be deemed to be for an authorised work within the meaning of that Act.

(b) The Minister shall for the purpose of this subsection be the Constructing Authority within the meaning of the Public Works Act, 1912, as so amended.

(2) Any lands purchased, resumed or appropriated under the provisions of this section shall not be dealt with otherwise than in pursuance of this Act.

Dedication
of lands
acquired
under
Public
Works Act
as State
forests.

31. (1) The Trust may recommend to the Minister that any lands purchased, resumed or appropriated under the provisions of this Part of this Act which the Forestry Commission considers suitable for the purpose of afforestation or reforestation be used for such purpose, and if the Minister so approves he may by notification in the Gazette declare that such lands are vested in His Majesty
and

and thereupon such lands shall vest in His Majesty for the purposes of the Forestry Act, 1916, as amended by subsequent Acts, and may be dedicated under the provisions of section eighteen of that Act, as so amended, as a State forest. No. 34, 1950.

(2) In respect of any lands dedicated as a State forest, the Forestry Commission shall, in order to prevent or mitigate the erosion of such lands—

- (a) undertake on such lands such soil conservation works or measures as the Commissioner of the Soil Conservation Service may recommend;
- (b) establish and maintain suitable forest growth on such lands;
- (c) manage and protect such forest growth.

(3) Any cost incurred by the Forestry Commission for works or measures carried out by it under this section shall be deemed to be expenditure authorised by section thirteen of the Forestry Act, 1916, as amended by subsequent Acts.

(4) Notwithstanding anything contained in the Forestry Act, 1916, as so amended, the Forestry Commission shall not permit—

- (a) any sheep to be grazed on any lands dedicated as a State forest as aforesaid without the approval of the Minister;
- (b) any livestock other than sheep to be grazed on such lands until the expiration of such period and then only on such conditions as the Minister may on the recommendation of the Trust determine.

32. The Minister shall by notification in the Gazette declare any lands within an area of erosion danger which have been purchased, resumed or appropriated under section thirty of this Act and have not been dedicated as a State forest pursuant to subsection one of section thirty-one of this Act to be a Management Area and that such lands are vested in the Trust and thereupon such lands shall vest in the Trust for the purposes of this Act. Management Areas.

33.

Hunter Valley Conservation Trust Act.**No. 34, 1950.****Works of
Soil Conser-
vation in
Manage-
ment Areas.**

33. (1) Where in respect of any lands within a Management Area the Commissioner of the Soil Conservation Service is of opinion that works or measures are necessary to prevent further soil erosion or for the reclamation of the lands he may, with the approval of the Minister, carry out such works or measures.

(2) The Trust shall from time to time arrange to be undertaken by the Soil Conservation Service on any lands within a Management Area such works or measures for the prevention or mitigation of soil erosion and the establishment or improvement of pastures and the establishment of woodlots and shelter belts of trees or shrubs as may be recommended by the Commissioner of the Soil Conservation Service and approved by the Minister.

(3) Any works or measures referred to in this section shall be carried out under the provisions of the Soil Conservation Act, 1938, as amended by subsequent Acts, and the cost of any such works shall be paid out of moneys provided by Parliament.

**Restrictions
on grazing
within
Manage-
ment Areas.**

34. (1) The Trust shall not without the approval of the Minister use or permit to be used a Management Area for the grazing of sheep.

(2) The Trust shall not, unless otherwise directed by the Minister, use or permit to be used any lands within a Management Area for the grazing of livestock other than sheep for a period of at least two years after the declaration of the lands as a Management Area or for such further period as the Trust may determine.

**Permits
may
be issued
to owners
of live-
stock for
grazing in
certain
cases.**

35. (1) Subject to the provisions of section thirty-four of this Act the Trust may, where in its opinion any lands within a Management Area are in such condition that the grazing of livestock thereon will not cause the lands to become liable to soil erosion or will not create or cause further soil erosion or prevent or delay the reclamation of any part thereof on which soil erosion has occurred, permit the use of such lands for the grazing of livestock and for that purpose may issue grazing permits to owners of livestock.

(2) No such grazing permit shall be granted for any period in excess of six months but may be renewed from time to time for a period not in excess of six months. No. 34, 1950.

(3) Any such grazing permit shall be subject to such charges and such conditions, including a condition limiting the number or the number and class of livestock which may be grazed under the permit, as the Trust may determine.

(4) Any such grazing permit shall include a condition empowering the Trust to revoke, modify or suspend the permit if in the opinion of the Trust by reason of seasonal conditions it becomes necessary so to do.

(5) In granting any such grazing permits the Trust shall give preference to owners or occupiers of rural lands within the Trust District which are ordinarily and mainly used for the grazing of livestock.

36. (1) The Trust may lease to any person any dwelling within a Management Area together with an area of land not exceeding fifty acres immediately adjoining such dwelling.

Leases of land within Management Areas.

(2) Any such lease shall be for a period not in excess of five years and shall contain such conditions as the Trust may determine including conditions limiting the number or the number and class of livestock which may at any time be grazed or carried on the land and providing that such works or measures to prevent soil erosion on the land or to protect pastures on the land as the Trust may determine shall be undertaken by the lessee. Unless otherwise approved by the Minister the lease shall also contain a condition prohibiting the grazing or carrying of sheep on the land.

37. (1) The Trust shall suppress and destroy or cause to be suppressed and destroyed all rabbits on lands within a Management Area.

Duties of Trust re suppression of rabbits and prevention of bush fires within Management Areas.

(2) The Trust shall take such steps as are necessary to prevent bush or grass fires on lands within a Management Area.

PART VIII.

PRESERVATION OF TIMBER.

Applica-
tion of
Part VIII.

38. (1) The Governor may by proclamation in the Gazette declare that the provisions of this Part of this Act shall apply to such lands within the Trust District as may be specified therein.

(2) No person shall except with the permission of the Trust ringbark, cut down, fell or destroy or cause or allow to be ringbarked, cut down, felled or destroyed any tree on any lands to which this Part of this Act applies.

(3) (a) Application for a permit under this Part of this Act shall be made in writing to the Trust and shall specify the lands in respect of which the permit is desired.

(b) The Trust may after inquiry refuse any permit applied for under this Part of this Act or may grant a permit subject to such conditions as the Trust may think fit.

(c) Such conditions may include conditions—

- (i) as to the proportion of the trees to be preserved on the lands to which the permit relates;
- (ii) specifying which groups of trees or belts of trees on such lands shall be preserved;
- (iii) requiring trees or woodlots to be planted and maintained on such lands in accordance with the requirements specified in the permit;
- (iv) requiring specified works or measures of soil conservation on such lands to be carried out within a specified time;
- (v) requiring specified pasture improvement works to be carried out on such lands within a specified time;
- (vi) limiting the time within which the permit shall be in force.

(4) The Trust may at any time revoke or vary a permit granted under this Part of this Act.

(5)

(5) Any person who—

No. 34, 1950.

- (a) contrary to the provisions of this Part of this Act ringbarks, cuts down, fells or destroys or causes to be ringbarked, cut down, felled or destroyed any tree; or
- (b) fails to comply with any of the conditions attached to any permit granted under the provisions of this Part of this Act,

shall be guilty of an offence against this Act.

(6) In this Part of this Act "tree" includes sapling, shrub and scrub.

(7) The provisions of this Part of this Act shall not apply to any lands of the Crown which are subject to the provisions of the Forestry Act, 1916, as amended by subsequent Acts.

PART IX.

CONTROL OF BUSHFIRES.

39. (1) Where the Trust is of the opinion that erosion is likely to be caused or aggravated on any lands within the Trust District as a result of the occurrence of bush or grass fires on such lands and that it is necessary that adequate fire fighting organisations be established to prevent or control such fires the Trust may request the council of the local government area within which such lands are situated:—

Establishment of adequate fire fighting organisations.

- (a) to establish such fire fighting organisations as the Trust may recommend;
- (b) to increase or expand or provide additional equipment for any established fire fighting organisations in such manner as the Trust may recommend;

(c)

No. 34, 1950.

(c) to exercise such other of its powers under the Bush Fires Act, 1949, as the Trust may recommend.

(2) The Trust may for the purposes of this Part of this Act collaborate or work in conjunction with any council or established fire fighting organisation within the Trust District.

(3) If following a request to a council pursuant to subsection one of this section the Trust is of opinion that adequate protection of any lands within the Trust District against erosion being caused or aggravated or being likely to be caused or aggravated as the result of the occurrence of bush or grass fires has not been provided the Trust may with the approval of the Minister exercise in respect of such lands and the owners and occupiers thereof all or any of the powers of a council under the Bush Fires Act, 1949.

Provision
of contin-
uous line of
fire-breaks.

40. (1) If in the case of three or more owners or occupiers of adjoining lands within the Trust District the majority of such owners or occupiers is of opinion that a continuous line of fire-breaks on the lands is necessary for the protection of such lands against bush or grass fires and any one or more of such owners or occupiers refuses to provide such a fire-break within the lands owned or occupied by him the Trust may, upon request in writing by a majority of such owners or occupiers and if it is of the opinion that the provision of a continuous line of fire-breaks is necessary for the adequate protection of the lands against erosion being caused or aggravated or being likely to be caused or aggravated as the result of bush or grass fires, by notice in writing direct the owners or occupiers of such lands to provide upon their lands within such period as the Trust may specify a fire-break or fire-breaks of such nature and in such position as the Trust may determine and to maintain and keep maintained any such fire-break or fire-breaks.

(2) If any such owner or occupier fails to comply with the terms of any such notice the Trust may cause to be provided or maintained such fire-break or fire-breaks

and

and may recover the cost incurred in so doing from such owner or occupier in any court of competent jurisdiction as a debt due and owing by him to the Trust. No. 34, 1950.

PART X.

DESTRUCTION OF RABBITS.

41. (1) If in the opinion of the Trust the presence of rabbits on any lands within the Trust District is causing or contributing to or aggravating or is likely to cause or contribute to or aggravate the erosion of such lands or other lands or the siltation of any water course or the flooding or inundation of any lands or is causing or likely to cause serious damage to or interference with any work of water storage or water supply the Trust may report accordingly to the Pastures Protection Board having jurisdiction in respect of such lands under the provisions of the Pastures Protection Act, 1934, as amended by subsequent Acts, and request such Pastures Protection Board to exercise in respect of such lands its powers in relation to rabbits under that Act, as so amended. Rabbit control and suppression.

(2) Where notwithstanding any action taken by a Pastures Protection Board in pursuance of a request by the Trust under subsection one of this section the owner or occupier has failed to effectively destroy rabbits on such lands the Trust may by notice in writing direct the owner or occupier of such lands to take such measures to destroy rabbits thereon and within such period as the Trust may therein specify.

(3) If any owner or occupier fails to comply with the terms of any notice given to him pursuant to subsection two of this section the Trust may authorise any person to enter upon such lands and destroy the rabbits thereon and may recover the cost incurred in so doing from such owner or occupier in any court of competent jurisdiction as a debt due and owing by him to the Trust and until repayment such cost shall be a charge on the lands.

No. 34, 1950.

Erection of
rabbit-proof
fences.

42. (1) Where in the opinion of the Trust the presence of rabbits on any lands within the Trust District is causing or contributing to or aggravating or is likely to cause or contribute to or aggravate the erosion of other lands or the siltation of any water course or the flooding or inundation of any lands or is causing or is likely to cause serious damage to or interference with any work of water storage or water supply on other lands and the owner of such first-mentioned lands has failed to comply with any direction given to him pursuant to subsection two of section forty-one of this Act the Trust may in addition to the powers conferred upon it by that section by notice in writing direct the owner of such lands within such time as the Trust may specify to erect on the boundaries of such lands a rabbit proof fence or to make rabbit proof any existing fence on such boundaries and thereafter to maintain any such fence in a rabbit proof condition.

(2) If any owner fails to comply with any direction given by the Trust pursuant to subsection one of this section the Trust may authorise any person to enter upon any such lands and erect a rabbit-proof fence on the boundaries of such lands or make rabbit-proof any existing fence on such boundaries and maintain any such fence in a rabbit-proof condition and may recover the cost incurred in so doing from such owner in any court of competent jurisdiction as a debt due and owing by him to the Trust and until repayment such cost shall be a charge on the lands.

Destruction
of rabbits
on Crown
lands.

43. (1) The Trust may with the approval of the Minister undertake or cause to be undertaken the destruction of rabbits on any unoccupied Crown lands or on any reserves or on any other lands of the Crown within the Trust District.

(2) In this section the expressions "Crown lands" and "reserves" shall have the meaning ascribed thereto respectively in the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

PART XI.

No. 34, 1950.

DECLARATION OF STATE WORKS AS CONSERVATION WORKS.

44. (1) Where the cost of—

Certain
works
may be
declared
conserva-
tion
works.

(a) any work or measure undertaken or carried out or proposed to be undertaken or carried out within the Trust District, whether pursuant to the provisions of this Act or any other Act or otherwise howsoever, for the purpose of afforestation, reforestation, soil conservation, flood mitigation or river improvement; or

(b) any purchase, resumption or appropriation of any lands within an area of erosion danger,

is paid from moneys appropriated by Parliament in that behalf the Governor may by proclamation in the Gazette declare such work or measure or purchase, resumption or appropriation to be a conservation work.

(2) Any such proclamation shall set out—

(a) the name, class and purpose of the work or measure or proposed work or measure or the lands purchased, resumed or appropriated as aforesaid;

(b) the Department or Authority of the State entrusted with the construction, operation and maintenance of the work or the carrying out of the measure;

(c) the amount (if any) which the Trust shall—

(i) in the case of any work or measure undertaken or carried out or proposed to be undertaken or carried out pursuant to the provisions of this Act contribute annually towards the capital cost of such work or measure and interest thereon and the cost of operating and maintaining such work or measure;

(ii) in the case of any purchase, resumption or appropriation of any lands within an area of erosion danger contribute annually towards

No. 34, 1950.

towards the cost of such purchase, resumption or appropriation and interest thereon;

(iii) in any other case contribute annually towards the cost of operating and maintaining such work or measure;

(d) the period over which such annual contribution is to be made and the date of the commencement of such period.

The Trust shall as from the commencement of such period contribute in accordance with the provisions of such proclamation.

(3) Where a proclamation has been made pursuant to subsection one of this section, the Trust shall, in respect of each year during which it is required to contribute to a conservation work pursuant to the provisions of subsection two of this section, make provision for the amount which it is so required to contribute to be included in the total amount to be obtained by way of the conservation rate to be levied for that year pursuant to the provisions of Part XIII of this Act.

(4) (a) The Trust shall in each year in which it is required to contribute to a contribution work pursuant to subsection two of this section pay to the Colonial Treasurer the amount which it is so required to contribute in respect of such work.

(b) Such payments shall be made by monthly instalments of an amount equal to the proportion of the conservation rate received by the Trust during the preceding month which the amount of the contribution bears to the total amount to be obtained during the year from the conservation rate.

PART XII.

No. 34, 1950.

FINANCE.

45. (1) (a) The Trust shall prior to the first day of May in each year prepare and submit for the approval of the Minister estimates in respect of the income of the Trust from all sources including the total amount to be obtained by way of the conservation rate levied under the provisions of Part XIII of this Act and of the expenditure to be incurred for the financial year commencing on the first day of July following.

Estimates of income and expenditure to be prepared.

(b) The estimates shall be in such form as the Minister may require and shall contain particulars in respect of each item of expenditure and of the conservation rate to be levied.

(c) The Trust shall furnish the Minister with all the information at its disposal relating to each constituent item of the estimated income and expenditure.

(2) The costs incurred in the administration of this Act shall be payable out of the funds of the Trust.

46. The Colonial Treasurer may for the temporary accommodation of the Trust advance such moneys to the Trust as the Minister may recommend upon such terms and conditions as to repayment and interest as may be agreed upon.

Advances by Colonial Treasurer for temporary accommodation.

47. (1) The Trust shall cause to be kept proper books of account in relation to all of its operations, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in the form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Trust.

Accounts to be kept by Trust.

(2) The Minister shall cause the statement of accounts to be laid before Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

Hunter Valley Conservation Trust Act.

No. 34, 1950.
Audit of
accounts.

48. (1) The accounts of the Trust shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereinafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the Chairman and members of the Trust and its officers in the same manner as it applies to accounting officers of Public Departments.

(2) The Auditor-General shall report to the Trust and the Minister—

(a) whether or not in his opinion—

- (i) due diligence and care have been shown in the collection and banking of moneys payable to the Trust;
- (ii) the expenditure incurred has been duly authorised, vouched and supervised;
- (iii) any of the moneys or other property of the Trust have been misappropriated or improperly or irregularly dealt with; and

(b) as to any other matters which in his judgment call for special notice or which are prescribed.

(3) Towards defraying the costs and expenses of such audit the Trust shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Colonial Treasurer may decide.

PART

PART XIII.

No. 34, 1950.

RATING.

49. (1) (a) The Trust shall in each year make a conservation rate in respect of lands within the Trust District in accordance with the provisions of this Part of this Act. Conservation rate.

(b) The rate shall be levied on the unimproved capital value of all lands within the Trust District having an unimproved capital value in excess of one hundred and fifty pounds and ratable for the time being under the provisions of the Local Government Act, 1919, as amended by subsequent Acts, and shall be payable in respect of the year commencing on the first day of January next following the making thereof.

(c) The amount of the conservation rate shall be subject to the approval of the Minister and shall not exceed one-halfpenny in the pound on the unimproved capital value in each year of the period from the date of the constitution of the Trust to the thirty-first day of December next following the fifth anniversary of such constitution and shall not exceed one penny in the pound on the unimproved capital value in each year thereafter.

(2) For the purposes of this section the unimproved capital value of any lands within the Trust District shall be the unimproved capital value of such lands as determined for the purposes of the Local Government Act, 1919, as amended by subsequent Acts.

50. The Trust shall on or before the fifteenth day of December in each year by writing under the common seal of the Trust give to each council of each local government area within which any of the lands included in the Trust District are situated notice of the making of the conservation rate and the amount thereof which is to be levied by that council in accordance with the provisions of this Part of this Act for the year commencing on the first day of January next following. Notice of making of conservation rate to be given to councils.

51. (1) Any council to which notice has been given pursuant to the provisions of section fifty of this Act shall and each such council is hereby authorised, empowered Council to levy conservation rate for Trust.

No. 34, 1950. empowered and required to levy in respect of the lands within its area subject to such conservation rate for the year commencing on the first day of January next following the date of such notice and in accordance with the provisions of this Part of this Act the conservation rate set out in such notice.

(2) Such rate shall be levied and collected by the council in accordance with the provisions of the Local Government Act, 1919, as amended by subsequent Acts.

(3) In respect of any council to which notice has been given pursuant to the provisions of section fifty of this Act:—

(a) if the local government area of that council is wholly situated in the Trust District the council may levy the conservation rate as part of the general rate or may levy the same as a special rate;

(b) if the local government area of that council is not wholly situated in the Trust District the council may levy the conservation rate as part of the general rate or may levy the same as a local rate.

(4) The provisions of the Local Government Act, 1919, as amended by subsequent Acts, shall to the extent to which such provisions are not inconsistent with this Act apply to any conservation rate made by the Trust and to the levying and collecting thereof by a council in all respects as if such rate had been a rate levied by a council under that Act:

Provided that the conservation rate shall not be taken into account for the purposes of sections one hundred and twenty-nine and one hundred and thirty of the Local Government Act, 1919, as so amended.

Cost of collection of conservation rate may be retained by council.

52. To meet the cost incurred by a council in levying and collecting the conservation rate such council may retain such proportion of the moneys collected in respect of such rate as may, subject to the approval of the Minister, be agreed upon by the Trust and the council or, in default of such agreement, as shall be determined by the Minister and the Minister for Works and Local Government.

53.

53. Any council levying and collecting the conserva- No. 34, 1950.
 tion rate as aforesaid shall remit to the Trust as soon Conserva-
 as practicable after the expiration of each month the tion rate
 moneys collected by it in payment of the conservation to be
 rate during that month less the amount which the council paid to
 is entitled to retain in accordance with the provisions of Trust.
 section fifty-two of this Act.

PART XIV.

MISCELLANEOUS AND GENERAL.

54. Where the decision of the Minister upon any Minister
 objection or other matter referred to him pursuant to may refer
 this Act is final the Minister may, before giving any such matters to
 decision, refer the objection or other matter to the Land Land and
 and Valuation Court for report and the Land and Valua- Valuation
 tion Court shall proceed and report on such matter Court.
 accordingly.

55. (1) In the exercise and discharge of its powers, Entry and
 authorities, duties, and functions under this Act, the inspection
 Trust may by any of its officers, servants or agents or of lands,
 other person authorised by it in writing so to do— etc.

- (a) enter at all reasonable times and inspect any lands within the Trust District;
- (b) for the purposes of the construction, maintenance or operation of any work or carrying out of any measures pursuant to this Act, enter any lands within the Trust District and—
 - (i) use such lands for the said purposes;
 - (ii) take levels, make surveys and marks and fix pegs and stakes;

notwithstanding an easement or right so to enter or use such lands may not have been granted or acquired.

(2) Any person obstructing or hindering the Trust or any such authorised person in the exercise of such power shall be guilty of an offence against this Act.

(3)

Hunter Valley Conservation Trust Act.

No. 24, 1950.

(3) Any person who removes, injures or interferes with any mark made or pegs or stakes fixed as aforesaid shall be guilty of an offence against this Act.

(4) No person shall be entitled to claim or be paid any compensation whatsoever by reason of or in any way arising out of the exercise by the Trust of the powers conferred by this section.

Injury to
works under
this Act.

56. Any person who, except under the authority of the Trust, interferes with or does any act which damages or tends to damage any work which is being or has been constructed, placed or planted on any lands within the Trust District pursuant to the provisions of this Act, shall be guilty of an offence against this Act and in addition shall be liable for any loss or damage caused by the offence.

Penalties.

57. Any person who is guilty of an offence against this Act for which no other penalty is expressly provided, shall on summary conviction be liable for a first offence to a penalty not exceeding fifty pounds and for any subsequent offence to a penalty not exceeding one hundred pounds.

Recovery of
penalties.

58. (1) Whenever by any provision of this Act or any regulations made thereunder any person is liable to a penalty or to pay a sum of money whether as compensation or in any other way, such penalty or sum may be recovered before any stipendiary magistrate or any two or more justices of the peace in petty sessions in accordance with the Acts in force for the time being regulating summary proceedings before justices.

(2) In any prosecution for the contravention of any notice given by the Trust under this Act the production of a duplicate copy of the notice sealed with the common seal of the Trust shall be prima facie evidence of the matters and things contained in the notice.

Evidence
of cost
of works.

59. Where pursuant to any provisions of this Act the Trust is empowered to recover the cost incurred in carrying out any work or measures, a certificate by the Trust of the amount of such cost shall be prima facie evidence of the cost incurred by the Trust.

60.

60. (1) Any notice required to be given pursuant to the provisions of this Act may be served personally or by post. No. 34, 1950.
Service of
notices.

(2) Any notice served by post shall be deemed to be sufficiently served if posted to the address last known to the Trust of the person upon whom the notice is to be served: Provided that where no such address is known to the Trust or any address so known to the Trust is outside the Commonwealth of Australia, any such notice shall be deemed to be sufficiently served if served upon any person apparently having the care, control or management of the lands to which the notice relates.

61. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters 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. Regulations.

(2) Without prejudice to the generality of the power conferred by subsection one of this section the Governor may make regulations—

- (a) for the prevention of injury to works;
- (b) with respect to the making, levying and collection of the conservation rate;
- (c) prescribing the forms of notices which may be given under this Act;
- (d) with respect to the procedure for the calling of meetings of the Trust and the conduct of business of such meetings;
- (e) for the carrying out and conducting of any election of a trustee by the aldermen and councillors of local government areas, other than the City of Maitland, which are situated wholly or partly within the Trust District or of a trustee by the aldermen of the City of Maitland and the time within which and the manner in which the result of any such election shall be certified to the Governor.

(3) Any regulation made under this Act may impose a penalty not exceeding ten pounds for any breach thereof.

(4)

No. 34, 1950.

- (4) The regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date to be specified in the regulations;
 - (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SCHEDULE.

Hunter Valley Conservation Trust District.

Sec. 4 (2). Commencing at a point being the intersection of the western boundary of the City of Newcastle, as described in the proclamation published in the Government Gazette of 24th January, 1941, with the northern boundary of portion 20, Parish of Teralba, County of Northumberland, and bounded thence by part of the western boundary of the City of Newcastle aforesaid to the southern side of the road (being part of Mineral Lease No. 10) passing from portion 20 to portion 21, Parish of Teralba, thence by that side of that road (shown on plans R.8139.1603 R. and R.6807.1603 in the Department of Lands) generally westerly to its intersection in portion 29, Parish of Teralba, with the public road to Seahampton (shown on plans R.4254.1603 R. and R.9097.1603), thence by the southern side of that road and the western side of Third Street in the private town of Seahampton (shown on Deposited Plan No. 3603 in the office of the Registrar-General) to the public road (in Portion 53, Parish of Teralba) from Maitland to Hexham (shown on plan R.20442.1603 R.), thence by the southern side of that road (shown on plan R.20592.1603 R.) and the prolongation thereof generally westerly to the crest of the Sugarloaf Range near "Great Sugarloaf" Trigonometrical Station, thence by the crest of that range, being the boundary between the Shires of Lake Macquarie, Wyong and Gosford on the south and the Shire of Kearsley on the north, generally south-westerly to a point on that range known as Mount Quoid, thence by the crest
of

of the same range forming the divide between the waters of the Hunter and the Hawkesbury Rivers westerly, north-westerly, westerly and northerly to the crest of the range forming the boundary between the Counties of Northumberland and Hunter near Howes Mountain, thence by the crest of that range through the County of Hunter generally westerly to the crest of the Great Dividing Range (near Mount Coricudgy), thence by the crest of the same Range through the Counties of Phillip and Bligh generally north-westerly and north-easterly to a point being the intersection of the boundary between the Counties of Pottinger and Buckland with the northern boundary of the County of Bligh, thence by the crest of that part of the Great Dividing Range known as the Liverpool Range (being part of the boundary between the Counties of Buckland and Parry on the north and the Counties of Bligh and Brisbane on the south) to the Mount Royal Range, thence by the crest of that range, being part of the boundary between the County of Hawes on the north and the Counties of Brisbane and Durham on the south, generally southerly, to the crest of the range forming the divide between the waters of the Manning and the Hunter Rivers near the "Barrington" Trigonometrical Station, thence by the crest of that range, being part of the boundary between the Shire of Wallarobba on the south and the Shires of Gloucester and Stroud on the north and north-east to a point east of the south-east corner of portion 48, Parish of Trevor, County of Gloucester, thence generally southerly by the crest of the same range (by "Dungog" Trigonometrical Station) to its intersection with the boundary between the Land Districts of Dungog and Gloucester, thence still generally southerly by the crest of that same range forming part of the boundary between the aforesaid land districts of Dungog and Gloucester to the northern boundary of portion 63, Parish of Horton, County of Gloucester, thence still southerly by the crest of that range, forming the divide between the waters of the Hunter and the Karuah Rivers to the north-east corner of portion 46, Parish of Wilmot, County of Gloucester, thence by the eastern boundary of portion 46, the eastern and southern boundaries of portion 44, the southern boundaries of portions 45 and 58, the westerly prolongation of the northern boundary of the latter portion, the northern and western boundaries of portion 70 to the south-west corner of that portion, thence by a line to the most westerly corner of portion 66, thence by the southern boundary of that portion to a point north of the north-eastern corner of Wallaroo State Forest No. 751, dedicated 25th August, 1922, by a line south, thence by the western and southern boundaries of that State Forest and the eastern boundary of portion 62 to the south-eastern corner thereof, thence by the boundary between the Parishes of Thornton and Tarean and the boundary between the Parishes of Thornton and Sutton, County of Gloucester, to the northern boundary of portion 47, Parish of Sutton, thence by the northern boundaries of portions 47 and 48, the eastern boundaries of portions 48 and 31, a line across a road, the eastern boundary of portion 93 and the prolongation thereof to the southern side of the public road from Raymond Terrace to Port Stephens, thence by that side of that road generally south-easterly to the eastern boundary of portion 55, Parish of Sutton, thence by the

Wild Dog Destruction (Amendment) Act.

No. 34, 1950. the boundaries of that portion southerly and westerly and part of the eastern boundary of portion 147, Parish of Stowell, County of Gloucester, to the south-eastern corner of that portion, thence by a line to the north-western corner of portion 34, thence by the western boundary of that portion and its prolongation to the south side of the road from Raymond Terrace to Port Stephens, thence by that side of that road easterly to the northern side of the public road to Hexham, thence by the northern side of that road and the western side of the road to Stockton generally south-westerly to portion 9, Parish of Stockton, County of Gloucester, thence by the eastern boundary of that portion and of portion 19, the northern boundary of portion 8 and the eastern boundary of that portion to the boundary of the City of Newcastle aforesaid, thence by the northern and western boundaries of that city, generally westerly and southerly, to the point of commencement.
