

**FORESTRY, CONSERVATION AUTHORITY OF
NEW SOUTH WALES AND OTHER ACTS
(AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 61, 1972.

An Act to specify the objects and to re-define the powers, authorities, duties and functions of the Forestry Commission of New South Wales; to make further provisions with respect to timber and products in which the Crown has an interest; for these and other purposes to amend the Forestry Act, 1916; to validate certain matters; to enable the Forestry Commission of New South Wales to issue licenses for the removal of protected wild flowers and native plants in certain circumstances; to abolish the Conservation Authority of New

South

Forestry, Conservation Authority of New South Wales and Other Acts (Amendment).

South Wales; to amend the Conservation Author- No. 61, 1972
 ity of New South Wales Act, 1949, the Local
 Government Act, 1919, the Crown Lands Consoli-
 dation Act, 1913, the Western Lands Act, 1901,
 and the Wild Flowers and Native Plants Protection
 Act, 1927; and for purposes connected therewith.
 [Assented to, 13th November, 1972.]

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

1. This Act may be cited as the "Forestry, Conservation Short
 Authority of New South Wales and Other Acts (Amendment) title.
 Act, 1972".

2. (1) This Act, except section 7, shall commence upon Commence-
 such day as may be appointed by the Governor in respect ment.
 thereof and as may be notified by proclamation published in
 the Gazette.

(2) The provisions of section 7 shall be deemed to
 have commenced upon the day upon which section 2 of
 the Forestry, Soil Conservation and Other Acts (Amendment)
 Act, 1972, commenced.

3. Any notice published in the Gazette under section 40 Saving.
 of the Forestry Act, 1916, before the day appointed under
 section 2 (1) and in force immediately before that day shall
 be deemed to be an order published under that section, as
 amended by this Act.

4.

Forestry, Conservation Authority of New South Wales and Other Acts (Amendment).

No. 61, 1972 4. The Forestry Act, 1916, is amended—

Amend-
ment of
Act No.
55, 1916.

New sec.
8A.

(a) by inserting next after section 8 the following new section and heading thereto :—

Objects of the commission.

Objects
of the
com-
mission.

8A. (1) The objects of the commission shall be—

- (a) to conserve and utilise the timber on Crown-timber lands to the best advantage of the State;
- (b) to provide adequate supplies of timber from Crown-timber lands for building, commercial, industrial, agricultural, mining and domestic purposes;
- (c) to preserve and improve, in accordance with good forestry practice, the soil resources and water catchment capabilities of Crown-timber lands;
- (d) to encourage the use of timber derived from trees grown in the State; and
- (e) consistent with the use of State forests for the purposes of forestry and of flora reserves for the preservation of the native flora thereon—
 - (i) to promote and encourage their use as a recreation; and
 - (ii) to conserve birds and animals thereon.

(2) In the attainment of its objects and the exercise and performance of its powers, authorities, duties and functions under this Act, the commission shall take all practicable steps that it considers necessary or desirable to ensure the preservation and enhancement of the quality of the environment.

(3)

Forestry, Conservation Authority of New South Wales and Other Acts (Amendment).

- (3) The commission may make recommendations to the Minister with respect to any of its objects, powers, authorities, duties or functions and shall, when requested by the Minister to do so, make recommendations to him with respect to any matter relating to its objects, powers, authorities, duties or functions. No. 61, 1972
- (b) by omitting from section 9 the words “, and shall, except where in this Act otherwise expressly provided, have the control and management of State forests and timber reserves, and also of flora reserves and catchment reserves”; Sec. 9.
(General powers of commission.)
- (c) (i) by omitting section 11 (1) and by inserting instead the following subsections :— Sec. 11.
(Powers and duties of commission.)
- (1) Subject to this Act, the commission—
- (a) shall have the control and management of State forests, timber reserves and flora reserves and shall control and manage them in such manner as best serves the public interest and, in so doing, may maintain and improve indigenous species of trees and may on State forests and timber reserves establish, maintain and improve plantations of indigenous species and exotic species, of trees;
- (b) may take any timber or products on any Crown-timber lands or, in accordance with the working plan for any flora reserve, on that flora reserve;
- (c) may sell or otherwise dispose of any timber or products so taken;
- (d)

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- (d) may convert any timber so taken into logs or any other article and may sell the logs or article;
- (e) may construct roads, bridges, gates, ramps, railways, or incidental works, necessary for the taking or removing of timber or products on Crown-timber lands or for the taking or removing of any forest materials from any State forest or for the classification of lands in accordance with section 17;
- (f) may purchase, take on lease or hire or charter any vehicles, aircraft, vessels or any other machinery or equipment necessary for the taking or removing of any timber or products on Crown-timber lands or for the exercise of its powers or authorities under this Act;
- (g) may establish seed orchards and nurseries for the propagation of trees and shrubs and may purchase seeds, trees and shrubs;
- (h) may sell seeds, trees and shrubs produced in seed orchards or nurseries established by the commission;
- (i) subject to the Bush Fires Act, 1949, may carry out on Crown-timber lands measures for the protection from fire of timber and products on Crown-timber lands;
- (j) may carry out research into the management of forests and flora reserves, including research into the growth and protection of trees and shrubs and the properties and use of timber and products;

(k)

Forestry, Conservation Authority of New South Wales and Other Acts (Amendment).

- (k) may provide an inspection service for No. 61, 1972 the inspection of timber;
- (l) may publish information and provide advice to the public with respect to the growth and protection of trees and shrubs and the properties and use of timber and products; or
- (m) may enter into an agreement with any person—
 - (i) for the supply by way of sale to that person, at such intervals or during such periods, of such quantities and kinds of timber or products taken by the commission, as may be specified in the agreement;
 - (ii) under which the commission, with the approval of the Minister, agrees to issue to that person licenses under section 26 for the taking, at such intervals or during such periods, of such quantities and kinds of timber or products, as may be specified in the agreement from lands within any area so specified;
 - (iii) to take, in conjunction with the taking of timber from Crown-timber lands, timber belonging to that person and to sell it on his behalf; or
 - (iv) for the doing of any thing for or in relation to any matter necessary for or incidental

to

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to the exercise or performance of any of its powers, authorities, duties or functions under this Act.

(1A) The commission may, with the approval of the Minister, enter into an agreement with any other Minister or with any statutory body, or council, within the meaning of the Local Government Act, 1919, who or which has power to enter into such an agreement for the joint utilisation of any land comprised in a State forest in accordance with any working plan or scheme of operations which is contained in or referred to in the agreement and which is consistent with the continuation of the use of the land as a State forest.

(1B) For the purpose only of exercising its powers under subsection (1A), the commission shall, for the purposes of any other Act which provides that a Minister, statutory body or any such council may enter into an agreement with the owner of any land, be deemed to be the owner of land comprised in a State forest.

- (ii) by omitting from section 11 (2) the words "horses, cattle, and sheep" wherever occurring and by inserting instead the word "animals";
- (iii) by inserting in section 11 (4) after the word "products" the words "or forest materials".

Further amendment of Act No. 55, 1916.

5. The Forestry Act, 1916, is further amended—

Long title.

- (a) by omitting from the long title the words "horses, cattle and sheep" and by inserting instead the word "animals";

(b)

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- (b) (i) by inserting in section 4 next after the definition of "Crown Lands Acts" the following new definition :—

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Sec. 4.
(Defini-
tions.)

"Crown-timber lands" means—

- (a) land within a State forest or flora reserve;
- (b) Crown lands, whether or not held under a lease or license from the Crown and whether or not included in a timber reserve; and
- (c) land affected by a profit à prendre reserved in respect thereof under subsection (1) of section 25F,

but does not include—

- (d) any Crown lands the subject of a tenure from the Crown specified or described in the First Schedule if the land the subject of that tenure has an area of five acres or less; or
- (e) any Crown lands the subject of a tenure from the Crown not specified in that Schedule.

- (ii) by omitting from section 4 the definition of "Exclusive rights";

- (iii) by inserting in section 4 next after the definition of "Flora reserve" the following new definition :—

"Forest materials" means rock, stone, clay, shells, earth, sand, gravel or any like material.

(iv)

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(iv) by omitting from section 4 the definition of "Products" and by inserting instead the following definition :—

"Products" means—

- (a) products of trees or shrubs ; and
- (b) vegetable growth (other than timber),

of economic value.

(v) by inserting in section 4 next after the definition of "The regulations" the following new definition :—

"Timber" includes trees of any age or description, whether growing or dead.

(vi) by omitting from section 4 the definition of "Tree" and by inserting instead the following definition :—

"Tree" means a tree of any description and includes a sapling and a seedling of a tree.

Sec. 11A.
(Sylvi-
cultural
management
of certain
lands in
Murrum-
bidgee
Irrigation
Area.)

(c) by inserting at the end of section 11A the following new subsections :—

(3) The Governor shall have, and shall be deemed always to have had—

- (a) power to vary, by proclamation published in the Gazette, any proclamation under subsection (1), or any such proclamation as varied under this paragraph, with respect to the area of lands the control and sylvi-cultural management of which was vested in the commission, or to revoke any proclamation under subsection (1) or any such proclamation as varied under this paragraph; and

(b)

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- (b) power to approve of the variation of the time for which, and the terms and conditions upon which, the control and silvicultural management of any lands are vested in the commission under this section. No. 61, 1972
- (4) The power conferred on the Governor by—
- (a) paragraph (a) of subsection (3) shall not be exercised, or shall be deemed never to have been exercisable, as the case may be, except with the concurrence of the commission and the Water Conservation and Irrigation Commission; or
- (b) paragraph (b) of subsection (3) shall not be exercised unless the variation has been concurred in by the commission and the Water Conservation and Irrigation Commission.
- (d) by inserting in section 12 (3) after the word “Act” the words “and such part of any amounts referred to in paragraph (a) of subsection (4) of section 30”; Sec. 12.
(Receipt of money.)
- (e) by omitting from section 13 (3) the words “ten thousand dollars” and by inserting instead the matter “\$25,000”; Sec. 13.
(Expenditure.)
- (f) (i) by inserting in the heading to section 15 after the word “*Resumption*” the words “*or purchase*”; Sec. 15.
(Purchase or resumption of land.)
- (ii) by omitting from section 15 (1) the word “purchase,” wherever occurring;
- (iii) by inserting in section 15 (1) after the word “thereto” the words “or for any purpose necessary for or incidental to the control or management of a State forest”;
- (iv) by omitting from section 15 (1) the words “Such land shall not be dealt with otherwise than in pursuance of this Act.”;

(v)

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(v) by inserting at the end of section 15 the following new subsections:—

(3) The Minister may, on behalf of Her Majesty and upon the recommendation of the commission, enter into an agreement, containing such terms and conditions as may be agreed upon, for the purchase of any land for the purpose of a State forest or to provide access thereto or for any purpose necessary for or incidental to the control or management of a State forest.

(4) In addition to the powers conferred by subsections (1) and (3), the Governor may resume or appropriate, or the Minister may, on behalf of Her Majesty and upon the recommendation of the commission, purchase, any land of which that proposed to be acquired under subsection (1) or (3), as the case may be, forms part.

(5) The Minister, on behalf of Her Majesty and upon the recommendation of the commission, may enter into an agreement, containing such terms and conditions as may be agreed to, for the sale of any lands acquired to provide access to a State forest or for any purpose necessary for or incidental to the control or management of a State forest, or any lands acquired under subsection (4), if those lands have not been dedicated as a State forest or are not required for the purpose of a State forest or to provide access thereto or for any purpose necessary for or incidental to the control or management of a State forest.

(6) Land acquired under this section shall not be dealt with otherwise than in pursuance of this Act.

(g)

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- (g) (i) by omitting from section 18 (1) the words "and having" and by inserting instead the words "of land having";

No. 61, 1972
Sec. 18.
(Dedication of State forests.)

- (ii) by inserting next after section 18 (1) the following new subsection :—

(1A) A dedication of land under subsection (1) may be limited so as to exclude any land lying below the surface of the land at a depth greater than a depth specified in the notice dedicating the land.

- (h) by inserting next after section 20 the following new section :—

New sec. 20A.

20A. (1) The Minister may upon such terms as he thinks fit grant for joint or several use easements or rights of way through or upon or in a State forest or flora reserve.

Easements.

(2) The Minister may accept a surrender of any easement or right of way through or upon or in a State forest or flora reserve.

- (i) by inserting in section 22 after the word "except" the words "land the subject of a tenure from the Crown, other than a tenure specified or described in the First Schedule of land having an area of more than five acres, or except";

Sec. 22.
(Reservation of timber reserves.)

- (j) (i) by omitting from section 25A (1) the words "and having" and by inserting instead the words "of land having";

Sec. 25A.
(Flora reserves.)

- (ii) by omitting from section 25A (1) the words "other than a national forest";

(iii)

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(iii) by inserting next after section 25A (1) the following new subsection :—

(1A) A dedication of land under subsection (1) may be limited so as to exclude any land lying below the surface of the land at a depth greater than a depth specified in the notice dedicating the land.

Sec. 25I.
(Commission to execute certificate releasing land from profit à prendre.)

(k) by omitting from section 25I (1) (a) the words "Act; or" and by inserting instead the following word and new paragraph :—

Act;

(a1) the commission is of the opinion that by reason of the small quantity or inferior quality of the timber or products the subject of any such profit à prendre it is unlikely that the timber or products would be taken by the Crown or the holder of a license issued under this Act before that expiration; or;

Sec. 25J.
(Ring-barking, etc., of trees subject to a profit à prendre prohibited except under permit.)

(l) by omitting section 25J;

Sec. 26.
(Issue of special and general licenses; their effect.)

(m) (i) by omitting from section 26 (1) the words "land within a State forest or timber reserve, or on Crown land, whether such land is or is not under lease or license from the Crown, or on land affected by a profit à prendre reserved in respect thereof under subsection one of section 25F of this Act" and by inserting instead the words "Crown-timber lands or on land, the subject of a tenure specified or described

described in the First Schedule, which has an area of five acres or less, or to take forest materials, or any specified description thereof, from a State forest”;

- (ii) by omitting from section 26 (1) the words “Provided further that any such license shall not apply to Crown lands the subject of a tenure from the Crown (except a tenure specified or described in the First Schedule to this Act and having an area of more than five acres) :

Provided further that a license may apply to lands the subject of a tenure from the Crown specified or described in the First Schedule to this Act and having an area of five acres or less if the holder of the tenure consents to the issue of the license.” and by inserting instead the words “Provided further that a license in respect of land, the subject of a tenure specified or described in the First Schedule, which has an area of five acres or less, shall not be issued unless the holder of the tenure consents to the issue of the license.”;

- (iii) by inserting in section 26 (1A) after the word “products” the words “or forest materials”;
- (iv) by inserting at the end of section 26 the following new subsections :—

(5) Where, in the opinion of the commission, any trees on Crown-timber lands (not being Crown-timber lands referred to in paragraph (a) of the definition of “Crown-timber lands” in section 4)—

- (a) have been planted or established and have been maintained by careful tending and improvement as a woodlot or

forest

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forest or for the purpose of tree-farming or have been planted or established as a windbreak or for the beautification of the lands; or

- (b) are growing on land that has been substantially improved for farming purposes and which, subject to subsection (6), are necessary for shade or shelter or for the purpose of the farming, improvement or protection of the lands,

a license shall not be issued under this section relating to those lands unless it includes a condition or limitation preventing the holder of the license from taking from the land to which the license relates any such trees as designated or described in the condition or limitation.

(6) The obligation to impose a condition or limitation referred to in paragraph (b) of subsection (5) extends only to trees designated or described in the condition or limitation and having a total timber content not exceeding 50,000 superficial feet gross hoppus, as determined by the commission.

(7) Subsection (5) does not apply to the issue of a license relating to Crown-timber lands where those lands are the subject of a tenure specified or described in the First Schedule, to the holder of that tenure or, if that holder consents, to any other person.

New sec.
26A and
heading
thereto.

- (n) by inserting next after section 26 the following new section and heading thereto :—

Clearing licenses.

Clearing
licenses.

26A. (1) A clearing license under this Act authorises the holder, subject to the regulations and subject to the conditions and limitations of the

license,

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license, to ringbark or otherwise kill or destroy trees, or any specified description thereof, on the Crown-timber lands specified in the license or on land the subject of a forest lease, notwithstanding the provisions of any other Act or any terms or conditions subject to which any tenure of the Crown-timber lands is held. No. 61, 1972

(2) A clearing license shall not be issued—

- (a) in respect of Crown-timber lands within a State forest that are not the subject of a forest lease or any other lease from the Crown or any license from the Crown or Crown-timber lands within a flora reserve;
- (b) where the Crown-timber lands are—
 - (i) held subject to a tenure specified or described in the First Schedule—except to the holder of that tenure;
 - (ii) purchase-tenure land, as defined in section 25C—except to the owner, as so defined, of that land; or
 - (iii) held under a forest lease—except to the lessee;
- (c) in respect of protected land, as defined in section 21A of the Soil Conservation Act, 1938—except with the consent of the Catchment Areas Protection Board under that Act; or
- (d) so as to authorise the ringbarking or other killing or destruction of trees having economic value.

(3) The term of a clearing license shall be such period as is specified in the license.

(4) A clearing license extends to authorising the successor in title of the person to whom the license was issued to do anything which that person was entitled to do under the license.

(5)

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(5) Clearing licenses shall be issued by the commission or by any person or class of persons authorised in that behalf by the commission.

Subst. sec. 27.

(o) by omitting section 27 and by inserting instead the following section :—

Penalty for unlawfully taking timber, products or forest materials.

27. (1) A person who—

(a) on any Crown-timber lands—

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

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

(iii) causes or knowingly suffers any of the things referred to in subparagraph (i) or (ii) to be done; or

(b) on any State forest or flora reserve quarries, digs for, extracts, obtains, removes, destroys or damages any forest materials or causes or knowingly suffers any of those things to be done,

is guilty of an offence and liable to a penalty not exceeding five hundred dollars or to imprisonment for a period not exceeding three months, or to both such penalty and imprisonment and where in the commission of the offence any tree is destroyed or damaged to an additional penalty not exceeding five dollars for each such tree.

(2) Without limiting the generality of subsection (1), the provisions of that subsection have effect in respect of Crown-timber lands notwithstanding the provisions of this or any other Act or any terms or conditions subject to which any tenure of the Crown-timber lands is held, and where any

such

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such terms or conditions require the taking or destruction of any timber or products those terms and conditions shall be construed as imposing that requirement subject to the holder of the tenure obtaining a clearing license under this Act. No. 61, 1972

(3) A person is not guilty of an offence under subsection (1)—

(a) by reason of his doing any of the things referred to in subsection (1)—

- (i) in pursuance of a license, general or special, or a clearing license, under this Act;
- (ii) in pursuance of and in accordance with the provisions of the Mining Act, 1906, or any tenure granted under that Act;
- (iii) in respect of any tree on Crown-timber lands (not being Crown-timber lands referred to in paragraph (a) or (c) of the definition of "Crown-timber lands" in section 4) or on land the subject of a forest lease, where the commission has certified in writing that the tree, in its opinion, had been planted or established and had been maintained by careful tending and improvement as part of a woodlot or forest or for the purpose of tree-farming;
- (iv) in respect of any tree on lands the subject of a profit à prendre reserved under section 25F where the commission has certified in writing that the tree is not subject to the profit à

prendre

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prendre by reason of the operation of paragraph (a) or (b) of subsection (5) of section 25F; or

(v) in the course of his employment by the commission;

(b) by reason only of his taking timber or other material as authorised by paragraph (a) of subsection (1) of section 226 of the Crown Lands Consolidation Act, 1913, or by that paragraph as applied by subsection (2) or (3) of that section, paragraph (ii) of section 18D of the Western Lands Act, 1901, or the terms or conditions of a prickly-pear lease under the Prickly-pear Act, 1924, or by reason only of his taking timber or products as referred to in section 25F (7);

(c) where he is the holder of a permit in force under subsection (1) of section 31 as in force immediately before the day appointed under subsection (1) of section 2 of the Forestry, Conservation Authority of New South Wales and Other Acts (Amendment) Act, 1972, authorising him to ringbark or otherwise kill or destroy trees, by reason of his ringbarking or otherwise killing or destroying trees in accordance with the regulations in force in respect of any such permits immediately before that commencement and with any conditions or limitations subject to which the permit was granted; or

(d) where he is a lessee under a conditional lease applied for before 1st January, 1910, by reason of his ringbarking or otherwise killing or destroying any tree on the land the subject of the conditional lease.

(4)

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(4) Nothing in this section affects the operation of section 254 or 255 of the Crown Lands Consolidation Act, 1913, but a person shall not be liable to more than one penalty for the same offence. No. 61, 1972

(5) A penalty may be imposed under this section in addition to any penalty, fine or forfeiture imposed by any lease or license under which the Crown-timber lands concerned or the lands the subject of the forest lease are held or by the provisions of the Act under which the Crown-timber lands or the lands the subject of the forest lease are held.

- (p) (i) by omitting from section 30 (1) the words "or products taken in pursuance of licenses" and by inserting instead the words ", products or forest materials taken in pursuance of general or special licenses"; Sec. 30.
(Royalty for timber, products and forest materials.)
- (ii) by omitting from section 30 (1) the words "and products" and by inserting instead the words ", products or forest materials";
- (iii) by inserting next after section 30 (1) the following new subsection :—

(1A) No royalty is payable in respect of timber taken pursuant to a license from land the subject of a tenure specified or described in the First Schedule where the timber is derived from trees which, in the opinion of the commission, have been planted or established and have been maintained by careful tending and improvement as a woodlot or

forest

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- forest or for the purpose of tree-farming or have been planted or established as a wind-break or for the beautification of the land.
- (iv) by omitting from section 30 (2) the words "and products" and by inserting instead the words ", products and forest materials";
 - (v) by omitting from section 30 (4) the words "For the purposes of subsection two of this section, where" and by inserting instead the word "Where";
 - (vi) by inserting in section 30 (4) after the words "purchase-tenure land" the words ", from any land held under a lease specified in the Second Schedule or from a travelling stock reserve, a camping reserve or a public watering-place under the control of a Pastures Protection Board";
 - (vii) by omitting from section 30 (4) (a) the word "license" wherever occurring and by inserting instead the words "general or special license";
 - (viii) by inserting in section 30 (4) (a) after the word "shall" the words ", for the purposes of this section,";
 - (ix) by omitting from section 30 (4) (b) the words "that subsection" and by inserting instead the matter "subsection (2)";
 - (x) by omitting from paragraph (a) of the definition of "prescribed amount" in section 30 (5) the words "or products" and by inserting instead the words ", products or forest materials";
 - (xi) by omitting from the same paragraph the word "and" where lastly occurring;

(xii)

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(xii) by inserting next after the same paragraph the No. 61, 1972 following new paragraph :—

(a1) such instalments, if any, as may be determined by the commission, of the cost of any roads, bridges, gates, ramps, railways and incidental works constructed by the commission for, or partly for, the taking or removal of the timber, products or forest materials for which those royalties are payable; and;

(q) by inserting next after section 30 the following new New sec.
30A. section :—

30A. (1) Where a person takes any timber, products or forest materials otherwise than in pursuance of a license issued under this Act authorising him to do so (whether or not by doing so he is guilty of an offence against this Act) and the commission would, had that person taken the timber, products or forest materials in pursuance of such a license, have been entitled to fix royalties in respect of the timber, products or forest materials so taken, the commission may certify in writing the amount that it determines would have been payable by way of royalty if the timber, products and forest materials had been taken in pursuance of a general or special license, and may recover that amount from that person as a debt in any court of competent jurisdiction.

(2) Where the commission recovers any amount under subsection (1)—

(a) that amount shall, for the purposes of section 30, be deemed to be royalties payable under this Act for the timber, products or forest materials in respect of which the

amount

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amount was recovered as if the timber, products or forest materials had been taken in pursuance of a general or special license issued under this Act; and

- (b) the commission shall make the payments that it would have been required to make under subsection (2) of section 30 if it had been the holder of that license.

Sec. 31.
(Permits to occupy and use land.)

- (r) (i) by omitting from section 31 (1) (a) the words "horses and cattle" and by inserting instead the word "animals";
- (ii) by omitting from section 31 (1) (d) the words ", or a license or exclusive right under the Act hereby repealed";
- (iii) by omitting section 31 (1) (e) and by inserting instead the following paragraph :—
- (e) where the permit is in respect of land within a State forest or flora reserve, to occupy the land for any purpose approved by the commission and specified in the permit.
- (iv) by omitting from section 31 (2) the words ", or the holder of a license or exclusive right under the Act hereby repealed.

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

Sec. 32.
(Penalties for unlawfully using land.)

- (s) by omitting section 32 (2);

(t)

Forestry, Conservation Authority of New South Wales and Other Acts (Amendment).

(t) (i) by omitting from section 33 the words “, with the approval of the Minister, issue, on such conditions as it thinks fit, and for any term not exceeding twenty years, leases of” and by inserting instead the words “lease, on such conditions as it thinks fit,”;

No. 61, 1972
Sec. 33.
(Issue of forest leases.)

(ii) by inserting at the end of section 33 the following new subsections :—

(2) A forest lease—

(a) for a term exceeding six years or for an area exceeding one hundred acres shall not be granted except with the approval of the Minister;

(b) shall not, unless it contains conditions referred to in subsection (3), be granted for a term exceeding twenty years; or

(c) shall not, if it contains any such conditions, be granted for a term exceeding fifty years.

(3) A forest lease—

(a) may contain conditions requiring the lessee to carry out work in connection with the silvicultural management of the trees and products on the land the subject of the lease in accordance with a working plan for that land referred to in the lease; and

(b) where it contains any such conditions, may provide that the lessee shall be entitled—

(i) to such part of the royalties paid for timber or products taken from the land the subject of the lease pursuant to a

general

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general or special license issued under this Act as may be specified in the lease; or

- (ii) if timber or products are taken by the commission from the land the subject of the lease, to such part of the royalties that would have been payable under this Act if the timber or products had been taken pursuant to a general or special license issued under this Act as may be specified in the lease.

(4) Where a forest lease contains a provision referred to in subparagraph (i) of paragraph (b) of subsection (3) the commission shall, in any general or special license issued under this Act in respect of land the subject of the lease, impose a condition requiring the holder of that license to pay to the lessee under that lease such part of the royalties for timber or products taken from that land pursuant to that license as may be specified in that license (being the part specified in that provision) and the holder of that license shall make those payments accordingly.

Sec. 38.
(Power to enter land and inspect.)

- (u) (i) by omitting from section 38 (1) (a) the words "and products" and by inserting instead the words ", products and forest materials";
- (ii) by inserting next after section 38 (1) (a) the following new paragraph :—
- (a1) enter any Crown-timber lands and thereon carry out measures for the protection from fire of timber and products on the lands;

(iii)

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- (iii) by omitting from section 38 (1) (b) the words "or products" and by inserting instead the words ", products or forest materials"; No. 61, 1972
- (iv) by omitting from section 38 (1) (b) the words "and products" and by inserting instead the words ", products and forest materials";
- (v) by omitting from section 38 (1) (c) the words "or products" and by inserting instead the words ", products or forest materials";
- (v) (i) by inserting in section 39 after the word "regulations" the words ", other than any amount payable to a lessee, an owner of purchase-tenure land or a Pastures Protection Board, as referred to in subsection (2) of section 30, or any part of royalties payable to a lessee under a forest lease in accordance with section 33,"; Sec. 39.
(Recovery of royalties and rents.)
- (ii) by inserting at the end of section 39 the following new subsection:—
- (2) Any amount payable to a lessee, an owner of purchase-tenure land or a Pastures Protection Board, as referred to in subsection (2) of section 30, or any part of royalties payable to a lessee under a forest lease in accordance with section 33 may be recovered by the person to whom that amount or part is payable in any court of competent jurisdiction as a debt due to that person.
- (w) by omitting from section 40 the word "notice" and by inserting instead the word "order"; Sec. 40.
(Exemption from licenses: Establishment of depots.)

(x)

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Acts (Amendment).*

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Sec. 41.
(Regulations.)

- (x) (i) by omitting from section 41 (b) the words "and products" and by inserting instead the words ", products and forest materials";
- (ii) by omitting section 41 (ba);
- (iii) by omitting from section 41 (e) the words "and other growth, and regulating the cutting, marking, and removing of timber, and the marking and removing of products" and by inserting instead the words ", products and forest materials, and regulating (whether or not by the issuing of licenses) the cutting down, destroying or removing of timber or the obtaining, destroying or removing of products or forest materials and regulating the marking of timber and products";
- (iv) by omitting from section 41 (l) the words "or products" and by inserting instead the words ", products or forest materials";
- (v) by omitting from section 41 (m) the words "and products" wherever occurring and by inserting instead the words ", products and forest materials";
- (vi) by omitting from section 41 (o) the words "fire arms,";
- (vii) by inserting next after section 41 (o) the following new paragraph :—
- (o1) prohibiting or regulating the carrying or use of fire arms and any other kind of weapons in State forests, flora reserves and timber reserves;

(viii)

Forestry, Conservation Authority of New South Wales and Other Acts (Amendment).

(viii) by inserting at the end of section 41 the No. 61, 1972 following new subsection :—

(2) The regulations may prescribe different fees for different classes of general, special or clearing licenses issued under this Act.

- (y) (i) by omitting from section 43 (1) (a) the words “or products” and by inserting instead the words “, products or forest materials”; Sec. 43. (Seizure and forfeiture of timber, products and forest materials.)
- (ii) by omitting from section 43 (1) (b) the words “or products” and by inserting instead the words “, products or forest materials”;
- (iii) by omitting from section 43 (1) (b) the words “and products” where firstly occurring and by inserting instead the words “, products and forest materials”;
- (iv) by omitting from section 43 (1) (b) the word “thereon” where secondly occurring and by inserting instead the words “on any such timber or products”;
- (v) by omitting from section 43 (1) (b) the words “such timber and products” and by inserting instead the words “any timber, products or forest materials so seized”;
- (vi) by omitting from section 43 (2) the words “or products” wherever occurring and by inserting instead the words “, products or forest materials”;

(vii)

Forestry, Conservation Authority of New South Wales and Other Acts (Amendment).

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- (vii) by omitting from section 43 (2) (b) the words "if any person is convicted of the offence aforesaid, or";
- (viii) by inserting in section 43 (2) (b) after the word "forfeited" the words "or restored";
- (ix) by omitting from section 43 (3) the words "or products" and by inserting instead the words ", products or forest materials";

New sec.
45A and
heading
thereto.

- (z) by inserting next after section 45 the following new section and heading thereto :—

Evidence.

Evidence of
maps or
plans.

45A. (1) For the purposes of any prosecution for an offence under this Act a document purporting to be a copy or extract of a map, plan, aerial photograph or other representation of, or of part of, any State forest or flora reserve or other lands and to be a copy or extract taken from a map, plan, aerial photograph or other representation filed in the office of the commission shall be admissible in evidence to show the boundaries of the State forest or flora reserve or for the purpose of proving that the lands are Crown-timber lands, as the case may be, if it purports to be certified under the hand of the secretary of the commission to be a true copy or extract.

(2) A copy or extract of a map, plan, aerial photograph or other representation contained in a document certified in accordance with subsection (1) may be on the same scale as, or on a scale different from, that on which the map, plan, aerial photograph or other representation is shown.

(aa)

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- (aa) by inserting in section 46 after the words "timber reserve" the words "or flora reserve";
- Sec. 46.
(Recovery of penalties.)
- (ab) by inserting in section 47 after the words "timber reserve" the words "or flora reserve".
- Sec. 47.
(Penalties to be in addition to fines under licenses or permits.)

6. The Forestry Act, 1916, is further amended—

Further amendment of Act No. 55, 1916.

- (a) (i) by omitting from section 4 the definition of "Catchment reserve";
- Sec. 4.
(Definitions.)
- (ii) by omitting from the definition of "Working plan" in section 4 the words "or catchment reserve";
- (b) by omitting from section 20 the words ", flora reserve or catchment reserve" and by inserting instead the words "or flora reserve";
- Sec. 20.
(Leases within State forests.)
- (c) by omitting from section 21 the words ", flora reserve or catchment reserve" wherever occurring and by inserting instead the words "or flora reserve";
- Sec. 21.
(Land subject to mining law.)
- (d) by omitting from section 25 (1) the words "or catchment reserve";
- Sec. 25.
(Existing leases and licenses in State forests and timber reserves.)

(e)

Forestry, Conservation Authority of New South Wales and Other Acts (Amendment).

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|---|--|
| <p>No. 61, 1972
Sec. 26.
(Issue of general and special licenses; their effect.)</p> | <p>(e) by omitting from section 26 (1A) the words "or catchment reserve";</p> |
| <p>Sec. 31.
(Permits to occupy and use land.)</p> | <p>(f) (i) by omitting from section 31 (3) the words "or catchment reserve";</p> <p>(ii) by omitting from section 31 (6) the words "or catchment reserve";</p> |
| <p>Sec. 32.
(Penalties for unlawfully using land.)</p> | <p>(g) by omitting from section 32 (1) the words ", flora reserve or catchment reserve" and by inserting instead the words "or flora reserve";</p> |
| <p>Sec. 36.
(Impounding.)</p> | <p>(h) by omitting from section 36 the words "or timber reserve, flora reserve or catchment reserve" and by inserting instead the words ", timber reserve or flora reserve";</p> |
| <p>Sec. 41.
(Regulations.)</p> | <p>(i) (i) by omitting from section 41 (o) the words "catchment reserves," wherever occurring;</p> <p>(ii) by omitting from section 41 (p) the words "catchment reserves,";</p> <p>(iii) by omitting from section 41 (v) the words "and catchment reserves";</p> |
| <p>Sec. 43.
(Seizure and forfeiture of timber, products and forest materials.)</p> | <p>(j) by omitting from section 43 (1) (a) the words ", flora reserve or catchment reserve" and by inserting instead the words "or flora reserve".</p> |

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7. The Forestry Act, 1916, is further amended—

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Further amendment of Act No. 55, 1916.

- (a) by inserting in paragraph (a) of the definition of "prescribed officer" in section 25c after the word "granted" the words "or confirmed"; Sec. 25c.
(Interpretation.)
- (b) (i) by inserting in section 30 (2) after the word "specified" where firstly occurring the words "or described"; Sec. 30.
(Royalty for timber, products and forest materials.)
- (ii) by inserting in section 30 (2) after the words "public watering-place" the words ", being a travelling stock reserve, a camping reserve, or a public watering-place";
- (iii) by omitting from section 30 (2) the word "Board" where firstly occurring and by inserting instead the word "Board,";
- (iv) by inserting in section 30 (2) (a) after the word "specified" the words "or described".

8. The Conservation Authority of New South Wales Act, 1949, is amended— Amendment of Act No. 8, 1949.

- (a) by omitting from section 2 the matter relating to Parts II, III and IV; Sec. 2.
(Division into Parts.)
- (b) by omitting section 3; Sec. 3.
(Interpretation.)

(c)

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(c) by omitting Parts II, III and IV.

Repeal of
Parts II,
III and IV.
(Abolition
of Con-
servation
Authority
of New
South
Wales.)

Amendment
of Act No.
41, 1919.

9. The Local Government Act, 1919, is amended—

Sec. 4.
(Defini-
tions.)

(a) (i) by inserting in the definition of "Lease" next before the definition of "Lessee" in section 4 after the word "twenty-six" the matter ", 26A";

(ii) by omitting from the same definition the words "a permit to occupy land for bee farming purposes granted pursuant to paragraph (c), and a permit granted pursuant to paragraph (e)" and by inserting instead the words "or a permit to occupy land for bee farming purposes granted pursuant to paragraph (c)";

Sec. 289A.
(Interpre-
tation.)

(b) (i) by omitting from paragraph (b) of the definition of "authorised person" in section 289A (1) the words "Crown, a statutory body representing the Crown or the Forestry Commission of New South Wales; and" and by inserting instead the following words and new paragraph :—

Crown or a statutory body representing
the Crown;

(b1) an officer of the Public Service employed in the administration of the Forestry Act, 1916, and appointed by

the

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the Forestry Commission of New South Wales to be an authorised person for the purposes of this Division, or an employee of that commission so appointed; and; No. 61, 1972

- (ii) by inserting in section 289A (3) (a) after the matter "(b)" the matter "or (b1)".

10. The Crown Lands Consolidation Act, 1913, is amended— Amendment of Act No. 7, 1913.

- (a) by omitting from section 36 (1) the words "State forests timber reserves or"; Sec. 36. (Licenses or permits to remove gravel, &c.)

- (b) by omitting from section 226 (1) (a) the words "—not comprised within a timber or forest reserve or State forest—". Sec. 226. (General provisions governing leases and licenses.)

11. The Western Lands Act, 1901, is amended by omitting from section 18D (ii) the words "and not comprised within a timber or forest reserve". Amendment of Act No. 70, 1901. Sec. 18d. (Provisions governing leases.)

12. The Wild Flowers and Native Plants Protection Act, 1927, is amended— Amendment of Act No. 2, 1927.

- (a) by omitting section 3 (5) and by inserting instead the following subsection :— Sec. 3. (Notification of protection.)
- (5) Where, in the opinion of the Forestry Commission, any protected wild flower or protected native plant, if not removed, would be damaged or destroyed in the taking of timber, products or forest materials under, or in the carrying on of any activity authorised by, the Forestry Act, 1916, subsection

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subsection (4) does not operate to prevent the Forestry Commission from issuing a license authorising removal of the wild flower or native plant or from reinstating, to the extent necessary to authorise removal of the wild flower or native plant, a license that has, pursuant to subsection (4), ceased to be operative.

Sec. 4.
(Penalty for picking; conduct of prosecutions.)

(b) by inserting in section 4 (1) (b) after the word "Act" the words "or in pursuance of a license issued under the Forestry Act, 1916,".

APPROPRIATION