

TASMANIA.

THE FORESTRY ACT, 1920.

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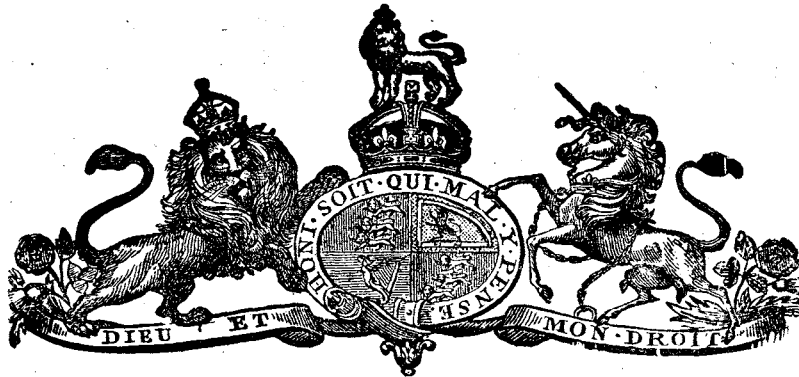
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1920.

ANNO UNDECIMO

GEORGII V. REGIS.

No. 60.

AN ACT to establish a Forestry Department,
and to provide for the Better Management
and Protection of Forests, and for other
purposes. [24 December, 1920.]

A.D.
1920.

BE it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

1 This Act may be cited as "The Forestry Act, 1920," and shall
come into force on a day to be fixed by proclamation.

Short title and
commencement

2 This Act is divided into parts, as follows:—

Division of Act.

Part I.—Preliminary.

Part II.—The Forestry Department.

Part III.—State Forests and Timber Reserves.

Part IV.—Forest Permits, Occupation Permits, and
Licences.

Part V.—Financial Provisions.

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Repeal.
W.A. No. 8 of
1919, s. 3.

Saving rights
acquired.

Regulations under
"The Crown
Lands Act, 1911,"
to apply until
repealed.

No licence to cut
timber, &c., to be
granted under
"The Crown
Lands Act, 1911."

No proclamation
to be made under
Section 10 of
"The Crown
Lands Act, 1911,"
with reference to
forest produce.

Governor may
prohibit cutting
of forest produce
on specified land
within a State
forest or timber
reserve.

Regulations
under Paragraph
x. of Subsection
(1) of Section 160
of "The Crown
Lands Act, 1911,"
not to apply to
State forests or
timber reserves.

Interpretation.

"Conservator."
Ibid., s. 4.

"Crown land."
Cf. 2 Geo. V. No.
64, s. 3 (Tas.).

"Department."
Cf. W.A., s. 4.

"Forest offence."
Cf. *ibid.*

"Forest officer."

3—(1) The Act mentioned in the schedule to this Act is hereby repealed to the extent therein stated. But, except as herein expressly provided, such repeal shall not affect any concession, lease, licence, or permit granted, or any right acquired, or liability incurred, or any appointment made, or any other matter or thing done, under any repealed provision of the said Act.

(2) All regulations made under "The Crown Lands Act, 1911," relating to any of the matters referred to in this Act, and in force at the commencement thereof, shall, *mutatis mutandis*, apply as if made under this Act, but such regulations may be repealed or amended by regulations under this Act.

(3) Notwithstanding anything contained in Section One hundred and thirty-one of "The Crown Lands Act, 1911," no licence shall be hereafter granted by the Commissioner of Crown Lands to cut, take, or remove or otherwise deal or interfere with any forest produce on or from Crown land.

(4) No proclamation shall hereafter be made by the Governor under Section Ten of "The Crown Lands Act, 1911," prohibiting the cutting or removing of timber, bark, or any particular timber or bark, or any forest produce on or from any land within a State forest or timber reserve.

(5) The Governor may, by proclamation under this Act, declare that no person, although he be duly licensed or otherwise authorised, shall cut or remove any forest produce, or any particular description of forest produce, on or from any land specified in the proclamation and situate within a State forest or timber reserve, or shall exercise any of the powers conferred by any licence or other authority granted under this Act.

(6) No regulation made or to be hereafter made by the Governor under Paragraph x. of Subsection (1) of Section One hundred and sixty of "The Crown Lands Act, 1911," shall apply to the felling or cutting of trees on any land within a State forest or timber reserve or on any land in respect of which a permit or licence has been granted under this Act.

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

"Conservator" means the Conservator of Forests:

"Crown land" means land which is or may become vested in the Crown, and which is not granted or lawfully contracted to be granted in fee simple; and includes all land which is or may be held for mining, pastoral, or other purposes under any lease, licence, or other right, from the Crown, save and except land held under a lease containing an option of purchase exercisable at any time during the currency of the lease:

"Department" means the Forestry Department:

"Forest offence" means the contravention of any provision of this Act:

"Forest officer" means any person appointed to be an officer of the Department:

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- “Forest produce” or “Forest products” means the products of growing or dead trees, shrubs, timber, or other vegetable growth : A.D. 1920.
 “Forest produce” or “forest product.”
 Cf. *ibid.*
- “Minister” means the Minister for Lands for the time being : “Minister.”
 Cf. *ibid.*
- “Reserved trees” means trees declared by notification in the “Gazette” to be reserved trees within the meaning of this Act : “Reserved trees.”
Ibid.
- “State forest” means land dedicated under this Act as a State Forest : “State forest”
Ibid.
- “Stock” means and includes cattle, horses, sheep, goats, and pigs : “Stock.”
- “Timber” includes trees when they have fallen or have been felled, and whether sawn, hewn, split, or otherwise fashioned : “Timber.”
Ibid.
- “Timber reserve” means land reserved before or after this Act for timber or forestry purposes : “Timber reserve.”
 Cf. *ibid.*
- “Trees” includes not only timber trees, but trees, shrubs and bushes, seedlings, saplings, and re-shoots of every description : “Trees.”
 Cf. *ibid.*
- “Working plan” means a detailed written scheme of the operations to be undertaken on a specified area of forest. “Working plan.”
Ibid.

5 This Act shall not apply to any Crown land set apart or reserved under the authority of any Act as a scenic or historic reserve, or for the purposes of a public park, or for recreation for the public.

Act not to apply to scenic reserves &c.

6—(1) The rights conferred by “The Crown Lands Act, 1911,” on lessees of land for grazing purposes to such timber as may be required for building or fencing purposes in connection with such land is hereby preserved.

Preservation of rights of grazing lessees.
 Cf. *ibid.*, s. 5.

(2) The rights conferred by all existing concessions, timber leases, licences, and permits under “The Crown Lands Act, 1911,” are hereby preserved, and the provisions of this Act, so far as they are inconsistent with such rights, shall not apply thereto.

Existing lease, &c., preserved.

PART II.

THE FORESTRY DEPARTMENT.

7—(1) There shall be a department of the Public Service called the Forestry Department, having, under the direction of the Minister, such powers, authorities, and duties as are provided for by this Act.

Forestry department.
 Cf. W.A., s. 7.

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(2) The department shall have exclusive control and management of—

- I. All matters of forest policy :
- II. All State forests and timber reserves, and, subject as hereinafter mentioned, the forest products of other Crown lands :
- III. The planting or thinning of forests, and the making, laying-out, and maintaining of plantations and nurseries, and the distribution of trees therefrom :
- IV. The granting of all permits, licences, and exclusive forest permits under this Act :
- V. The enforcement of the conditions of timber concessions, timber leases, exclusive forest permits, licences, and occupation permits under this Act, or any enactment hereby repealed or otherwise :
- VI. The collection and recovery of all rents, fees, royalties, charges, and revenues of the Department :
- VII. The administration of this Act generally.

Provided that the control and management of forest products and of the matters referred to in Paragraphs III. and IV. of this section shall not be exercised by the Department in respect of Crown lands other than State forests and timber reserves without the concurrence of the Secretary for Lands.

Department may sell timber from State forests, &c.

8 The Department may convert, remove, and sell (by auction or tender, or in any other manner whatsoever) timber or other forest products from State forests and timber reserves, and, subject to the provisions of Section Seven, from other Crown lands; and may construct roads, railways, and tramlines for the transport of timber and other forest products.

Conservator of Forests.
Cf. *ibid.*, s. 8.
9 Geo. V. No. 69.

9—(1) There shall be a Conservator of Forests, to be appointed by the Governor, in conformity with "The Public Service Act, 1918."

(2) Subject to the provisions of this Act the Conservator—

- I. Shall be the permanent head of the Department :
- II. Shall be directly responsible to the Minister for the management and control of State forests, timber reserves, plantations, and nurseries, and the administration of the Department generally :
- III. Subject to "The Public Service Act, 1918," shall have control of all officers and employees of the Department.

(3) The Conservator in office at the commencement of this Act shall continue in office, under and subject to the terms of his appointment, as if this Act had been in force when he was appointed, and he had been appointed thereunder, and this Act shall apply to him accordingly.

(4) Judicial notice shall be taken of the appointment and official signature of Conservator.

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(5) In the case of the illness, suspension, or absence of the Conservator, the Governor may appoint some person to act as his deputy during such illness, suspension, or absence, and until such appointment is terminated by notice in the "Gazette."

Every person so appointed shall, while so acting, have the powers and perform the duties of the Conservator.

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W.A., s. 12.

10 The Governor may, subject to the provisions of "The Public Service Act, 1918," appoint such other officers as may from time to time be necessary for the administration of this Act.

Appointment of officers.

W.A., s. 13.

Provided—

- I. That no such officer shall be appointed without reference to the Conservator :
- II. That the Conservator may engage and dismiss casual employees for work, other than clerical work in the Department :
- III. That the Governor may exempt from the provisions of the said Act any officer or class of officers.

11 No forest officer shall hold, or be interested in, any lease, permit, licence, or exclusive forest permit under this Act, or in any timber, logging, or firewood, lease or licence granted under any enactment hereby repealed, or as principal or agent, trade in, or be interested in, any contract or agreement for the working or removal of any forest produce.

Forest officers not to trade in timber, &c.

Ibid., s. 17.

12 If so directed by the Conservator, a forest officer may, in the performance of his duties, hold an auction of forest produce, and submit exclusive forest permits to public auction, without a licence under "The Auction Act, 1913."

Auctioneer's licence not required by forest officer.

Ibid., s. 18.

4 Geo. V. No. 37.

PART III.

STATE FORESTS AND TIMBER RESERVES.

Classification of Forest Lands.

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

Classification of forest lands.

Cf. *ibid.*, s. 19.

- I. Permanently dedicated as State Forests : or
- II. Reserved from sale as timber reserves.

State Forests.

14—(1) The Governor may, by proclamation, dedicate as a State Forest any Crown land, including any area which may have been theretofore a timber reserve.

Dedication of State forests.

Cf. *ibid.*, s. 20.

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

Revocation of dedication.
Cf. *ibid.*, s. 21

15 A dedication under this Act of Crown land as a State Forest may be revoked in whole or in part, in the following manner :—

- I. The Governor shall cause to be laid on the Table of each House of Parliament a proposal for such revocation :
- II. After such proposal has been laid before Parliament, the Governor, on a resolution being passed by both Houses that such proposal be carried out, shall, by proclamation, revoke such dedication :
- III. On any such revocation the land shall become subject to, and may be dealt with under, " The Crown Lands Act, 1911."

Purchase or resumption of land.
Cf. *ibid.*, s. 22.

16—(1) The Minister may, subject to the consent of Parliament, purchase or acquire land for the purpose of a State forest, or for the purpose of providing access thereto or to any timber reserve.

(2) The cost of purchasing or acquiring any land for the purposes abovementioned shall be defrayed out of moneys to be provided by Parliament for that purpose.

Provided, however, that the Minister may, on the recommendation of the Conservator, and without the authority of Parliament, purchase or acquire as a matter of forestry administration in any financial year after the Thirtieth day of June, One thousand nine hundred and twenty-one, any land required for the purposes abovementioned, the cost of the purchase or acquisition of which shall not exceed the sum of Five hundred Pounds, and such sum shall be defrayed out of the fund authorised to be expended by the Conservator, with the approval of the Minister, under Section Thirty-nine.

(3) All land purchased or acquired under the authority of this section shall be deemed to be purchased or acquired for a public purpose.

(4) Such land shall not be dealt with otherwise than in pursuance of this Act.

State forests to comprise 1,500,000 acres within seven years.
Cf. N.S.W. No. 55 of 1916, s. 18.

17 Within Seven years from the commencement of this Act there shall be in Tasmania an area of, approximately, not less than One million five hundred thousand acres of land dedicated as State Forests.

Timber Reserves.

Reservation of timber reserves.
Cf. W.A., s. 25.

18—(1) The Governor may, by proclamation, on the recommendation of the Conservator of Forests and with the concurrence of the Secretary for Lands, reserve from sale any Crown land as a timber reserve.

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(2) All lands reserved under "The Crown Lands Act, 1911," as timber reserves, and all lands held under timber leases from the Crown at the commencement of this Act, shall be deemed to be timber reserves for the purposes of this Act.

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(3) The Governor may, on the recommendation of the Secretary for Lands, revoke, in whole or in part, the reservation of a timber reserve.

(4) When any reservation of land is so revoked the land shall, unless otherwise declared by proclamation, become subject to and may be dealt with under "The Crown Lands Act, 1911."

(5) No reservation from sale of land as a timber reserve made before or after the commencement of this Act shall be revoked, in whole or in part, except under this Act, nor until a report of the Conservator on the proposal for such revocation has been obtained.

19 A lease or licence to occupy land, or conferring any rights with respect to land, within a timber reserve, shall not be granted, extended, or renewed under "The Crown Lands Act, 1911," except on the recommendation of the Conservator, and subject to such conditions as the Minister, on the recommendation of the Conservator, thinks fit to impose.

Lease or licence within timber reserve not to be granted, except on the recommendation of the Conservator.
Cf. *ibid.*, s. 26.

State Forests and Timber Reserves.

20 A map of every State forest and timber reserve, certified under the hand of the Surveyor-General, shall be deposited in the Department, and shall be open to public inspection on payment of the prescribed fee.

Maps to be deposited in Department of Forests.
Cf. *ibid.*, s. 27.

Provided, however, that whenever it is impracticable or inconvenient at the time of the dedication of a State forest or the reservation of a timber reserve to define the same by survey, owing to such State forest or timber reserve being remote from settlement or from any other cause which the Governor may deem sufficient, the same may be defined by boundaries of convenience only until such time as a survey can be carried out and a map prepared.

State forests and timber reserves may be defined by boundaries of convenience.
Cf. *ibid.*, s. 28.

21 All State forests and timber reserves shall be deemed to be public reserves within the meaning of "The Mining Act, 1917": Provided that where any land forming part of a State forest or timber reserve is brought within the operation of such lastmentioned Act, under the provisions of Section Seventeen thereof, or is already within the operation of that Act, the exercise of any right under the lastmentioned Act shall be subject to such conditions and restrictions relating to forestry as may be prescribed. Provided, however, that this section shall not affect any lease, licence, or easement granted, acquired, or applied for under "The Mining Act, 1917," previous to the First day of January, One thousand nine hundred and twenty-one, or any right or privilege under any such lease, licence, or easement.

State forests and timber reserves to be public reserves within the meaning of "The Mining Act, 1917."
7 Geo. V. No. 62
Cf. W.A., s. 30.

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Working plans.
Cf. *ibid.*, s. 31.*Working Plans.*

22—(1) The Conservator shall from time to time prepare working plans for each State forest.

(2) Such plans shall, subject to rights which may have been granted under any lease, licence, or concession prior to the passing of this Act, regulate the management of each State forest in whole or in part, and shall embody the forest policy for such area, and shall completely control all matters connected with such forest or part of same.

(3) Each working plan shall be subject to the approval of the Governor, and when so approved shall have effect, and shall not be altered except as hereinafter mentioned.

(4) Such plans may be altered from time to time by the Conservator with the approval of the Governor.

PART IV.

FOREST PERMITS, OCCUPATION PERMITS, AND LICENCES.

Powers of
Minister or
Conservator in
certain cases not
to be exercised
without con-
currence of
Secretary for
Lands.

Forest permits.
Cf. *ibid.*, s. 32.

Effect of permit.
Cf. *ibid.*, s. 33.

Term of permit.

Permit may be
granted subject
to conditions as
to re-forestation,
&c.

23 The powers vested in the Minister, the Conservator, or any other person under this Part to grant permits or issue licences for any purpose under this Act shall not be exercised in respect of Crown lands other than State forests and timber reserves without the concurrence of the Secretary for Lands.

24 The Minister may, subject to this Act, on the recommendation of the Conservator of Forests, grant forest permits in respect of any land within a State forest or timber reserve, or any other Crown land, for the purpose of obtaining therefrom timber or other forest products.

25 A forest permit may confer on the holder exclusive rights over the land therein defined for all purposes connected with the obtaining, conversion and removal of such timber and forest products as are specified therein.

26 A forest permit may be granted for any period not exceeding Fifteen years.

27 A forest permit may be granted subject to such conditions as the Minister may, on the recommendation of the Conservator, determine, binding the holder thereof to carry out operations on the land in respect of which the permit is granted for any One or more of the following purposes, namely, for assuring as far as possible the regeneration of the most valuable species of forest trees or produce, for reforestation, planting, or protection from fire, for the making of roads or tracks, or for such other purposes for the improve-

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ment of the said land, either in addition to or in substitution for any One or more of the foregoing purposes, as the Minister may, on the recommendation of the Conservator, determine. A.D. 1920.

28—(1) Subject to this Act, the Minister may grant occupation permits in respect of land within a State forest or timber reserve, or in respect of other Crown lands, for sawmill sites, timber depots, the making of roads, the construction and working of tramways, and for such other purposes of a similar nature as may be provided for by regulations. A permit under this subsection may be granted for any period not exceeding Fifteen years. Occupation permits. Cf. *ibid.*, s. 33.

(2) The Minister may also grant permits entitling the holders thereof to graze and water cattle (subject to existing rights) on any land within a State forest or timber reserve or any other Crown land. A permit under this subsection may be granted for any period not exceeding Fifteen years.

29—(1) Every forest permit shall be granted subject to the payment by the holder thereof of royalties for all forest produce taken. Sale by auction of forest permits.

(2) A forest permit may be submitted to public auction or tender, and the royalties to be paid shall be thereby fixed :

Provided that no forest permit shall be submitted to public auction until the land in respect of which the permit is to be granted has been inspected and reported on by a forest officer, and the value of the timber or other forest product on such land assessed, and an upset price placed upon such timber or product.

(3) Royalty may be fixed or assessed on timber standing or in the log. The contents of timber cut or to be cut, and the quantities of other forest products shall be measured and calculated in such manner as the Minister, on the recommendation of the Conservator, may determine.

30—(1) Licences under this Act may be issued by the Conservator or some person authorised by him in that behalf. Licences. Cf. *ibid.*, s. 35.

(2) A licence shall authorise the licensee, in common with other licensees, to take and remove forest produce, to be therein specified, on Crown land within a State forest or timber reserve, or on other Crown land.

(3) A licence may be issued subject to the payment of prescribed fees, or prescribed royalties, on the forest produce acquired thereunder.

(4) No licence shall be issued in respect of any land held under an existing timber lease, or over land in respect of which a forest permit has been granted under this Act without the consent of the person holding such timber lease or forest permit.

(5) The term of a licence shall not exceed Three months.

31—(1) All forest produce obtained under the authority of a permit or licence shall be removed from the State forest, timber reserve, or other Crown land during the currency of the permit or licence. Forest produce to be removed during currency of permit or licence. Cf. *ibid.*, s. 37.

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licence, unless the time for removal is extended by the Minister on such conditions, if any, as he may, on the recommendation of the Conservator, deem fit to impose.

(2) Any forest produce not so removed from a State forest, timber reserve, or other Crown land shall be forfeited to the Crown, and may be disposed of by the Conservator.

Forfeiture.
Cf. *ibid.*, s. 38.

32 Every permit and licence shall be liable to forfeiture for default in payment of the royalty or fees payable thereunder, or on breach or non-observance by the holder of any of the provisions of this Act, or of the conditions expressed in such permit or licence; provided, however, that the Minister may, in the case of a permit, suspend, on conditions and for such periods as may be prescribed, the obligations of the holder of such permit to perform any condition expressed therein or imposed by this Act, except the obligation for payment of royalty or fees.

Application for
forfeiture.

33 If the holder of any permit fails to comply with any of the conditions of such permit or the provisions of this Act with respect thereto, it shall be lawful for any person to apply in the prescribed manner and subject to any conditions which may be prescribed to a police magistrate for forfeiture of such permit, and the police magistrate shall have power to inquire whether any of the said conditions or provisions have not been complied with, and may recommend to the Minister that the permit be forfeited.

Nothing in this section shall be deemed to interfere with or restrict the right of the Minister to enforce, of his own motion, any forfeiture of a permit under Section Thirty-two.

Grant of forest
leases.
Cf. *ibid.*, s. 40.

34—(1) The Minister may, on the recommendation of the Conservator, grant, on such conditions as he thinks fit, and for any term not exceeding Fourteen years, leases of land within a State forest for grazing, agricultural, and other purposes, whether of the like nature or not: Provided that such purposes are not opposed to the interests of forestry. Such leases are in this Act referred to as "forest leases."

(2) No compensation shall be payable to a lessee under a forest lease on the expiration thereof for any improvement to the land comprised therein; but the lessee shall be entitled at any time before the expiration of his lease to remove any buildings or fences erected by him, or to dispose of them to an incoming tenant.

Transfer of
permit, &c.
Cf. *ibid.*, s. 36.

35—(1) No permit or lease granted under this Act shall be transferable, except with the consent in writing of the Minister, and no licence shall be transferable without the consent of the Conservator.

Permits, &c.,
may be
surrendered.

(2) It shall be lawful for the Minister, on the recommendation of the Conservator, to accept a surrender of any permit or lease issued or granted under this Act, or of any timber or firewood lease granted or issued under "The Crown Lands Act, 1911," on such

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terms and conditions as the Minister may, on the recommendation of the Conservator, determine. A.D. 1920.

(3) Upon the surrender pursuant to this section of any timber or firewood lease granted under "The Crown Lands Act, 1911," it shall be lawful for the Minister, on the recommendation of the Conservator, to grant to the person surrendering the lease a forest permit under this Act conferring on the holder the right during the remainder of the term of the lease which was unexpired at the time of the surrender thereof to take from the land comprised in the lease such timber or other forest produce as he was entitled to take under the lease; and if such person shall at the time of such surrender as aforesaid make application in the prescribed form for such forest permit as aforesaid, he shall be entitled thereto in priority to any other applicant for a forest permit in respect of the said land.

36—(1) All mills for the sawing or treatment of timber, other than mills used exclusively for cutting firewood, shall be registered in the office of the Conservator.

Sawmills to be registered.
Cf. N.S.W., No. 55 of 1916, s. 29.
Penalty.

(2) If any person (whether as owner, lessee, or otherwise) works a mill for the sawing or treatment of timber, other than firewood, whether such mill is situated on private property or not, without having such mill duly registered under this Act, he shall be liable to a penalty of Fifty Pounds.

PART V.

FINANCIAL PROVISIONS.

37 All revenue of the Department shall be paid into the Consolidated Revenue.

Revenue to be paid into the Consolidated Revenue.
Cf. W.A., s. 41.
First year's expenditure.

38 The expenditure of the Department for the financial year ending on the Thirtieth day of June, One thousand nine hundred and twenty-one for equipment, administration, and forest improvement shall be met out of moneys to be appropriated by Parliament for that purpose.

39 In each succeeding financial year a sum equal to One half of the gross revenue of the Department from all sources for the previous financial year shall be appropriated by the Treasurer and placed to the credit of a special account at the Treasury, and shall form a fund for the purpose of forestry administration, afforestation, reafforestation, and other necessary works of forest improvement, and may be expended by the Conservator with the approval of the Minister, without any other authority than this Act. Any portion of such sum not expended during the financial year in respect of which such sum was appropriated may be expended in the manner and for the purposes aforesaid in any succeeding financial year.

One-half of the gross revenue to be applied for forestry purposes.
Cf. *ibid.*, s. 41.

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Interpretation of
revenue.
Ibid., s. 41.

40 The revenue of the Department shall include—

- I. All royalties and the proceeds of the sale of forest produce, licence fees, occupation fees, permit and exclusive permit fees, rents and damages awarded for offences against this Act, and all rents, royalties, and fees payable under leases, licences, and permits granted under any enactment hereby repealed, or payable under any existing timber leases or concessions, and all other fees and charges payable under this Act :
- II. All moneys received by the Commissioner of Crown Lands under Section Nineteen of "The Crown Lands Act, 1911," in respect of the operation of Paragraph II. thereof, and the last proviso to that section.

PART VI.

PENALTIES, SEIZURES, AND FORFEITURES.

Offences against
officers.
Cf. N.S.W., No.
55 of 1916, s. 44.

41—(1) If any person—

- I. Offers violence to, or assaults, threatens, or attempts to intimidate any officer or other person under the control of the Conservator while such officer or person is acting in the exercise of his powers or the discharge of his duties under this Act : or
- II. Gives or agrees to give or offers to any such officer or person any gift or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown by such officer or person in or in relation to the exercise of such powers or the discharge of such duties as aforesaid, such person shall be liable to a penalty not exceeding Fifty Pounds.

(2) For the purpose of Paragraph II. a gift or consideration shall be deemed to be given as an inducement or reward if the receipt of any expectation thereof would be in any way likely to influence the officer to do or leave undone something contrary to his duty.

False entries or
returns.
Ibid., s. 45.

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

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43 If any person lights or causes a fire whereby trees, timber, or other forest produce on any State forest or timber reserve is injured or destroyed, such person shall, upon conviction, be liable to a penalty of not less than Ten Pounds and not more than Fifty Pounds, and in addition shall be liable for the damage done by or by reason of such fire, as assessed by a forest officer.

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Damage by fires.
Cf. W.A., s. 46.

44 All holders of timber leases, forest permits, occupation permits, or licences under this or any other Act shall, if called upon by a forest officer, render all the assistance in their power to extinguish or check bush fires on the land to which their leases, permits, or licences apply.

Forest officer may call for assistance to extinguish fires.

Cf. *ibid.*, s. 47.

Failure to comply with the provisions of this section shall constitute a forest offence.

45 If, without lawful authority, any person cuts, saws, ring-barks, destroys, or takes or employs any other person to cut, saw, ringbark, destroy, or take from any State forest, timber reserve, or other Crown land, any tree, timber, or other forest product, or strips bark, or takes or interferes with, or causes to be taken or interfered with, any buildings, materials, tools, goods, or chattels of any nature, being the property of the Crown, and being in or upon any State forest, timber reserve, or other Crown land, such person shall be liable to a penalty not exceeding Fifty Pounds, and in addition shall be liable for the full amount of any damage done or loss involved by reason of such act.

Unlawfully ring-barking trees, &c.
Cf. N.S.W., s. 32.

46 Any person who, in any State forest or timber reserve, except in pursuance of a permit or licence under this Act, or of a grant, lease, licence, or other authority from the Crown—

Unlawful use of forest land.

Cf. W.A., s. 49.

I. Depastures any stock :

II. Hunts, shoots, or destroys or sets snares for the purpose of capturing any indigenous animals or birds: or

III. Occupies, clears, or breaks up any land for cultivation, or any other purpose—

commits a forest offence.

47—(1) The Conservator, and any forest officer, member of the police force, or Crown lands bailiff may enter upon the land held or occupied by virtue of a permit or forest lease under this Act, or under any other timber concession, lease, or agreement, for the purpose of making inspections, carrying out silvicultural operations, or other forest work, and preventing or suppressing fires.

Power to enter and inspect land.
Cf. *ibid.*, s. 52.

(2) Any person who obstructs or hinders the Conservator or any forest officer, member of the police force, or Crown lands bailiff in the exercise of his powers under this section shall be guilty of a forest offence.

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Penalty for forest
offence.
Cf. *ibid.*, s. 53.

48 Any person who commits a forest offence—

- I. Shall, if no penalty is specified for the offence, be liable on summary conviction to a penalty of not less than Two nor more than Fifty Pounds: and
- II. In any case shall, on conviction, be liable for any loss or damage caused by the offence, in addition to the penalty for the offence, and such loss or damage may be awarded by the court in fixing the penalty, and may be recovered in the same way as a pecuniary penalty.

Recovery of
penalties, &c.

10 Geo. V. No.
55.

49 All complaints for offences against the provisions of this Act, and all penalties, fines, and forfeitures imposed by or under the provisions of this Act, may be heard, determined, recovered, and enforced in a summary way before a police magistrate or Two or more justices in the mode prescribed by "The Justices' Procedure Act, 1919," the provisions of which Act shall, except where inconsistent with any of the provisions of this Act, apply.

Complaint to be
made within
12 months.

50 A complaint for an offence against this Act, or for the recovery of any penalty, fine, or forfeiture imposed thereunder, may be made within Twelve months from the time when the matter of the complaint arose.

Penalties to be in
addition to fines
under permits or
licences.
N.S.W., s. 47.

51 Penalties imposed under this Act shall be in addition to, and not in substitution for, any penalty or fine (pecuniary or otherwise) imposed by any permit or licence granted or issued under this Act, or any lease of land within a State forest.

Forest officer may
make complaints
and conduct
prosecutions.
Cf. W.A., s. 57.

52—(1) Any forest officer, Crown lands bailiff, or member of the police force may make a complaint and conduct the prosecution for an offence against this Act, or for the recovery of any penalty, fine, or forfeiture imposed by this Act.

(2) In any such prosecution no proof shall be required of the appointment of any forest officer, Crown lands bailiff, or member of the police force, or of any authority, whether general or special, of such officer to prosecute.

Seizure and
forfeiture of tim-
ber and products.
Cf. N.S.W., s. 43.

53—(1) Any forest officer, member of the police force, or Crown lands bailiff may, if he has reason to believe that any timber or other forest products have been cut, removed, or otherwise dealt with contrary to the provisions of this Act, or have been abandoned, enter any land or any buildings thereon, and seize such timber and products, and place thereon a distinctive brand or mark; and such timber or products shall thereupon become and remain the property of the Crown until otherwise ordered by a court of petty sessions.

(2) The branding or marking of such timber or forest products in the manner above described shall in itself constitute a seizure, and any person or persons who thereafter without the written permission of the person making the seizure, or on the order of a

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court of petty sessions, removes or interferes with the timber or products seized shall be liable on conviction to imprisonment for One year, or to a penalty not exceeding Fifty Pounds. A.D. 1920.

54 When timber or products are seized in pursuance of Section Fifty-three—

Procedure after seizure.
Cf. N.S.W., s. 43.

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

55—(1) Any timber or other forest products lying on any State forest, timber reserve, or Crown lands, and not held in strict compliance with the provisions of this Act, or if cut or obtained under any other Act or the regulations made thereunder, and not held in strict compliance with the provisions of such Act or regulations, shall be deemed to be abandoned, and may be seized by any forest officer, member of the police force, or Crown lands bailiff, notwithstanding that licence fees or royalty may have been paid on same, and shall forthwith become forfeited to the Crown.

Timber, &c., irregularly cut may be seized.

(2) All timber or other forest products left lying on State forests, timber reserves, or other Crown lands for more than Twelve months, whether the same shall have been purchased from the Crown or not, or whether licence fees or royalty have been paid thereon or not, shall be deemed to have been abandoned, and may be seized by any forest officer, member of the police force, or Crown lands bailiff, and shall forthwith become forfeited to the Crown.

Timber abandoned may be seized.

56 Any timber or forest products forfeited in pursuance of this Act may be sold or otherwise disposed of as the Conservator of Forests may direct, and the proceeds of any such sale shall be paid into the Treasury as revenue of the Department.

Sale of timber seized.
Cf. N.S.W., s. 43.

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PART VI.

GENERAL PROVISIONS.

Recovery of Fees.

Fees, &c., may be recovered by Conservator.
Cf. N.S.W., s. 39.
55 Vict. No. 25.

57 All fees, charges, royalties, or rents imposed by or payable under this Act, may be recovered, either as a debt due to His Majesty in the manner prescribed by "The Crown Remedies Act, 1891," or by action in the name of the Conservator in any court of competent jurisdiction.

Exemption from Permit or Licence.

Exemption of State forests from operation of Act.
Cf. N.S.W., s. 40.

Establishment of depots.

- 58** The Minister, by notice in the "Gazette," may—
- i. Exempt any State forest or timber reserve, or any portion or portions thereof, from the operation of permits or licences under this Act : or
 - ii. Establish or approve of the establishing by the Department of depots where logs, piles, sleepers, girders, and hewn or other timber or forest products may be inspected and measured for the purpose of this Act, and held until payment of royalty.

Any timber or products whatever deposited at any such depot without the express authority of the Conservator or a forest officer, shall be subject to royalty, although otherwise exempt from royalty.

Private Forests.

Timber from private property to be marked.

59 All owners of timber or forest products cut or obtained from private property shall, before delivering the same to any sawmill, authorised timber depot, railway yard or siding, wharf or jetty, or before conveying the same over any Crown land or any public road, brand or mark such timber or forest products in the manner prescribed with the letters "P.P." and the owner's initials, and shall, if called upon to do so by a forest officer, make a declaration on the form prescribed stating the species and quantities of such timber or products, and where the same were obtained, and the name and address of the person to whom the same are consigned.

Any failure to comply with this section shall be an offence against this Act, and shall render the offender liable on conviction to a penalty not exceeding Twenty Pounds.

PART VII.

REGULATIONS.

Regulations.
Cf. W.A., s. 43

60 The Governor, on the recommendation of the Conservator may make regulations generally for carrying out the provisions of this Act, and in particular—

- i. Prescribing the qualifications and duties of officers of the Department :

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- II. Providing for the training of forestry students and cadets : A.D. 1920.
- III. Regulating the management of State forests, timber reserves, and forests on other Crown lands, and the cutting, removal, hewing, sawing, or other methods of conversion of timber or other forest produce :
- IV. Prescribing such annual cutting sections as may be deemed necessary under a working plan :
- V. Prescribing the forms of forest permits, occupation permits, licences, and forest leases, and the periods for which the same may be granted, and regulating the manner of applying for, granting, and issuing the same, and the terms and conditions under which the same shall be held, transferred, determined, cancelled, surrendered, or withdrawn, and prescribing the forms of applications for, and transfers and surrenders of, forest permits, occupation permits, licences, and leases :
- VI. Prescribing the procedure for the sale by auction or by tender of forest produce, and enabling upset prices or minimum royalties to be fixed :
- VII. Prescribing the fees or deposits to be paid with any application or tender :
- VIII. Prescribing the amount of rents, royalties, fees, dues and charges payable in respect of permits, licences, and forest leases, and prescribing that in respect of permits, licences, and forest leases, held in connection with prescribed industries, special and differential rents, royalties, fees, dues, and charges shall be payable :
- IX. Providing in respect of all timber and forest produce, whether from Crown land or from private property, for the making of declarations or statements in writing as to the quantity and description of timber and forest produce obtained, held, removed, sawn, or otherwise treated, consigned, or exported, and as to the place where any timber or forest produce was obtained, and as to the place to which it was or is intended to be consigned, and prescribing the time within which such declarations or statements shall be made, and imposing penalties for refusing to make any such declaration or statement :
- X. Regulating the exercise of the powers conferred by permits, licences, and leases and any matters incidental thereto, including the protection and preservation of timber and other growth, and regulating the cutting, marking, and removing of timber and other forest products :
- XI. Providing for the inspecting of timber and other forest produce for export and for local use, and prescribing the forms and certificates to be used, the fees to be paid, and the brands or marks to be used :

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- XII. Prescribing rules for the grading of timber for export and for local use :
- XIII. Prohibiting the cutting of reserved trees :
- XIV. Prescribing the kinds, sizes, and quantities of any timber or forest produce which may be cut or removed in or from any State forest or timber reserve, and prohibiting the removal of any forest produce until branded by a forest officer if so prescribed :
- XV. Prescribing the mode in which any forest produce is to be branded or marked, and the mode in which such brands or marks shall be registered in the Department :
- XVI. Prohibiting the counterfeiting, defacing, or obliterating of brands or marks placed on trees, timber, or other forest produce by forest officers :
- XVII. Requiring the registration of brands by all timber-workers operating in State forests, timber reserves, or other Crown lands, under licences, and prescribing the manner of and the fees to be paid for such registration :
- XVIII. Requiring the holder of a permit or licence or lease under this Act, or any lease, licence, or permit granted under any enactment hereby repealed, or any other existing timber concession, lease, licence, or agreement, to produce for inspection by the Conservator, or any person acting with his authority, all books of account, mill returns, and other documents connected with such lease, licence, permit, or concession :
- XIX. Prescribing the books and records to be kept and the returns to be made by persons working or acting in the management of sawmills, or taking delivery of timber or products :
- XX. Regulating or prohibiting the burning-off of forest produce, and the lighting and use of fires within any State forest or timber reserve, or within any specified portion thereof :
- XXI. Prescribing means for fire prevention and protection in State forests and timber reserves, and regulating traffic thereon :
- XXII. Enabling forest officers to stop, detain, or seize any forest produce within the boundaries of any State forest or timber reserve, or on any public highway :
- XXIII. Regulating the establishment of Government timber depots, and prescribing the terms and conditions for the use of same :
- XXIV. Requiring the holders of timber leases, rights, concessions, or permits, and all owners of private forests, to register in the Conservator's office and retain the use of a brand whereby timber cut in, or proceeding from, their holdings may be distinguished from any other timber, and prescribing the manner of, and the fees to be paid for, such registration :

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- xxv. Providing for the registration of all sawmills in the State, and prescribing the manner of, and the fees to be paid for, such registration : A.D. 1920.
- xxvi. Regulating the felling or cutting of trees in the vicinity of any track, river, or stream, and which are on any land within a State forest or timber reserve, or on any land in respect of which a permit or licence has been granted under this Act, and prohibiting the felling or cutting of any such trees as aforesaid in such a manner that the same shall fall along or across any track or into any river or stream as aforesaid, or obstruct free passage along any track, river, or stream :
- xxvii. Prescribing the conditions under which, and the period for which, the obligations of the holder of a permit to perform any conditions thereof, may be suspended :
- xxviii. Prescribing the manner and form of application under Section Thirty-three, and the conditions under which such applications may be made and the procedure on such applications.

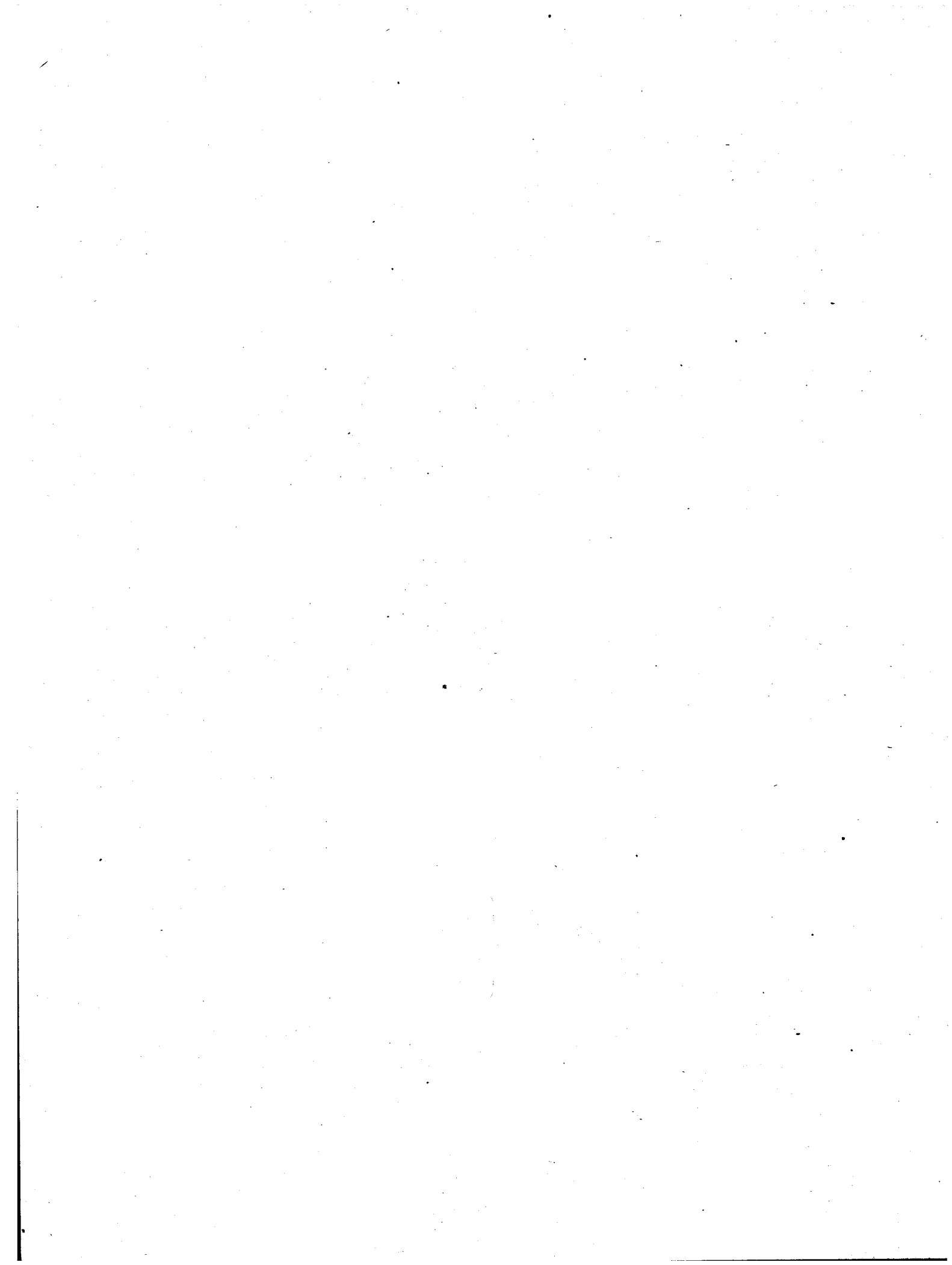
And may, by any such regulations, impose a penalty not exceeding Fifty Pounds for any breach of the same, or for any contravention or failure to comply with any provision or condition contained in any permit, right, lease, licence, or authority granted in pursuance of this Act :

Provided that so far as such regulations apply to any existing concession, lease, licence, or permit, such regulations shall not be inconsistent with the rights under such concession, lease, licence, or permit.

SCHEDULE.

REPEAL.

Date and Number of Act.	Title of Act.	Extent of Repeal.
2 Geo. V. No. 64	"The Crown Lands Act, 1911"	{ Paragraph 11. of Section 8 Sections 13, 60, and 120 Paragraphs I., IV., and V. of Subsection (1) of Section 131 Paragraphs IV. and IVA. of Subsection (1) of Section 160



TASMANIA.

THE FIRE BRIGADES ACT, 1920.

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short title. 2. Repeal. 3. Interpretation. 4. Proclamation of municipal districts. 5. Enlargement of districts.
Diminution.
Adjustment of representation. 6. Boards for districts.
Constitution of city boards.
Constitution of municipal boards.
Chairman.
Existing members continued.
Retirement of members. 7. Boards to be bodies corporate. 8. Election of members by municipal councils. 9. Election of members by fire insurance companies. 10. Duties of board. 11. Board may buy appliances.
May hold land, &c.
May borrow.
Temporary overdrafts.
May spend £25 on other objects. 12. Appointment of officers of fire brigades. 13. Regulations. 14. Board to report to Parliament. 15. Superintendents, &c., of fire brigades. 16. Duties and powers of the superintendent at fires. 17. Duties and powers of the superintendent generally. 18. Powers of superintendent exercisable by deputy or senior officer. 19. Damage done to be within policy. | <ol style="list-style-type: none"> 20. Remuneration for attendance of fire brigade, how contributed and recovered: <ol style="list-style-type: none"> (a) When house, &c., uninsured; (b) When contents of building uninsured. Method of valuations to be prescribed. 21. No expenses in respect of small tenements. 22. Contributions to expenditure of board. 23. Contributions of insurance companies how ascertained. 24. Returns by insurance companies.
Statutory declaration.
Books may be inspected. 25. Municipalities may levy rate. 26. Penalty for default in payment of contribution. 27. Advance from Treasury to boards. 28. Volunteer fire brigades may be registered. 29. Removal of debris after a fire. 30. Owner and occupier to give particulars. 31. Offences. 32. Information for Health Department. 33. Board, &c., not liable for <i>bonâ fide</i> acts. 34. Regulations. 35. Penalties and contributions how recovered. 36. Appropriation. 37. Recovery of possession of premises from discharged officer of board. |
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