

Forestry Act 1916

Reprint history (since 1972):

Reprint No 1

16 October 1973

Reprint No 2

1 May 1980

Reprint No 3

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Reprint No 4

4 July 1983

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26 October 2004

Long Title

An Act to consolidate and amend the law relating to forestry; to provide for the dedication, reservation, control, and use of State forests, timber reserves, and Crown lands for forestry and

other purposes; to appoint a commission to administer the Act, with power to sell and convert timber and products, and to purchase and sell animals to be depastured on State forests and timber reserves; to repeal the *Forestry Act 1909*; to amend the Acts relating to Crown lands, and certain other Acts; and for purposes consequent thereon or incidental thereto.

Part 1A – Preliminary

1 Name of Act and commencement

This Act may be cited as the *Forestry Act 1916*.

It shall commence on the first day of November, one thousand nine hundred and sixteen.

2 (Repealed)

3 Repeal

The *Forestry Act 1909* is hereby repealed:

Provided that:

- (a) all licences, permits and exclusive rights granted under the Act hereby repealed and in force at the commencement of this Act shall, until cancelled, continue in force for the respective periods for which they were granted, and the provisions of the Act hereby repealed shall, notwithstanding such repeal, apply to the same,
- (b) all regulations made under the Act hereby repealed and in force at the commencement of this Act shall, mutatis mutandis, apply as if made under this Act, but may be amended or repealed by regulations made under this Act.

4 Definitions

(1) In this Act, unless the context requires another meaning: "**carbon sequestration**" has the same meaning as it has in section 87A of the *Conveyancing Act 1919*. "**Clearing licence**" means a licence issued under section 27G which is in force. "**Crown lands**" has the same meaning as in the *Crown Lands Act 1989*. "**Crown Lands Acts**" has the same meaning as in the *Crown Lands Act 1989*. "**Crown-timber lands**" means:

- (a) land within a State forest or flora reserve,
- (b) Crown lands, whether or not held under a lease or licence from the Crown and whether or not included in a timber reserve, and
- (c) land affected by a profit \tilde{A} 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 2 hectares or less, or
- (e) any Crown lands the subject of a tenure from the Crown not specified in that Schedule.

"**Flora reserve**" means land dedicated or set apart under this Act as a flora reserve. "**Forest lease**" means a lease granted under section 33 (1) which is in force. "**Forest materials**" means rock, stone, clay, shells, earth, sand, gravel or any like material. "**Forest materials licence**" means a licence issued under section 27C which is in force. "**Holder**", in relation to a clearing licence, includes, except in section 27G, a successor in title to the land in respect of which the clearing licence is issued. "**Lease**" when referring to a lease under the Crown Lands Acts includes a promise of lease under those Acts; and "**lessee**" means the holder of such lease, and includes the holder of any such promise. "**Licence**" means a licence issued by the commission under this Act. "**Motor cycle**" means any motor vehicle which has 2 wheels or, where a sidecar or

sidebox is attached thereto, has 3 wheels. "**Motor vehicle**" means a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity. "**natural resource environmental service**" includes any of the following:

- (a) the establishment, purchase, management or maintenance of planted forests for the purpose of mine site management, carbon sequestration, forest biomass production, soil and water catchment improvement, biodiversity conservation, control of feral and weed species, research or for any other environmental purpose,
- (b) the provision of any service that is necessary or incidental to a matter referred to in paragraph (a) including:
 - (i) the procurement of land, the registration of interests in land and the obtaining of any necessary statutory approvals, and
 - (ii) the accreditation or other authorisation of a plantation, and
 - (iii) the securing of contractual arrangements,
- (c) any other service provided in connection with the use or management of planted forests that is prescribed by the regulations.

"**Products**" means:

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

of economic value. "**Products licence**" means a licence issued under section 27B which is in force. "**special management zone**" means any area of State forest declared to be a special management zone under section 21A. "**State forest**" means land dedicated under this Act, or under the Act hereby repealed, as a State forest. "**The commission**" means the Forestry Commission of New South Wales constituted under this Act. "**The regulations**" means the regulations made under this Act. "**Timber**" includes trees of any age or description, whether growing or dead. "**Timber licence**" means a licence issued under section 27A which is in force. "**Timber reserve**" means land temporarily reserved, before or after the commencement of this Act, for forestry purposes. "**Tree**" means a tree of any description and includes a sapling and a seedling of a tree. "**Working plan**" means a detailed written scheme, as approved by the Minister, of the operations to be undertaken on or in relation to a particular flora reserve.

(2) Notes included in this Act do not form part of this Act.

Part 1 – The commission and its powers and duties

5 Constitution of the commission

(1) The Governor shall appoint some person as commissioner, who shall constitute the Forestry Commission.

(2)

- (a) The Governor may from time to time appoint two Assistant Commissioners to assist the Commissioner in the exercise and discharge of the Commissioner's powers, authorities, duties and functions under this or any other Act. The Minister may from time to time, after consulting the Commissioner, allot the duties of the Assistant Commissioners respectively.

(b) (Repealed)

(2A) The employment of the Commissioner and each Assistant Commissioner is subject to Part 2A of the *Public Sector Management Act 1988*, but is not subject to Part 2 of that Act.

(3)-(6) (Repealed)

(7)

- (a) In the case of the absence from duty of the Commissioner the Governor may appoint one of the Assistant Commissioners a deputy to act in the place of the

Commissioner during the Commissioner's absence.

(b) Any deputy appointed under this subsection while acting as deputy shall have the immunities and may exercise and discharge all the powers, authorities, duties and functions of the Commissioner in whose place the deputy acts.

(c) A deputy appointed under this subsection may if the Minister thinks fit be paid such remuneration for the deputy's services, including travelling and subsistence allowances, as the Minister may determine.

(d) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a deputy to act in the place of the Commissioner, or as to the necessity or propriety of any appointment of a deputy; and all acts or things done or omitted by a deputy when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the Commissioner for whom the deputy is acting.

(8)-(9) (Repealed)

6, 6A (Repealed)

7 Incorporation

(1) For the purposes of this Act the person for the time being holding the office of commissioner is constituted a corporation sole under the name of the Forestry Commission of New South Wales, with perpetual succession and a seal of office, and may in that name sue and be sued and proceed and be proceeded against in all courts.

(1A) The commission:

(a) subject to subsection (3), may, for the purposes of this Act, take, purchase, exchange, take on lease, hold, sell, let on lease, mortgage or otherwise acquire, dispose of or deal with real or personal property, and

(b) may do and suffer all other things that bodies corporate generally may, by law, do and suffer and that are necessary for or incidental to those purposes.

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

(3) It shall not be lawful for the commission to exchange, sell, mortgage or otherwise dispose of any real property vested in it, unless in accordance with the express provisions of this Act, or when no express provision is made, unless with the approval of the Governor.

(4) In the exercise of its functions under this or any other Act, the commission may use the name "Forests NSW".

8 Judicial notice of incorporation

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

8A Objects of the commission

(1) The objects of the commission shall be:

(a) to conserve and utilise the timber on Crown-timber lands and land owned by the commission or otherwise under its control or management to the best advantage of the State,

(b) to provide adequate supplies of timber from Crown-timber lands and land owned by the commission or otherwise under its control or management 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 and land owned by the commission or otherwise under its control or management,

- (d) to encourage the use of timber derived from trees grown in the State,
- (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, and
- (f) to provide natural resource environmental services (whether within or outside of New South Wales).

(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) 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 the Minister with respect to any matter relating to its objects, powers, authorities, duties or functions.

9 General powers of the commission

The commission shall have the administration of this Act, may exercise the powers and shall discharge the duties conferred and imposed on it by this Act.

In the exercise and discharge of the powers, authorities, duties and functions conferred or imposed on the commission by or under this Act or any other Act the commission shall, except in relation to the contents of a recommendation or report made by it to the Minister, be subject in all respects to the control and direction of the Minister.

The commission cannot employ any staff.

Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the commission to exercise its functions.

9A Secretary to the commission

There shall be a secretary to the commission who shall, under and subject to the provisions of the *Public Service Act 1979*, be appointed by the Governor.

9B Inspectorial districts

(1) For the purposes of this Act the State shall be divided into not less than three inspectorial districts, the boundaries of which shall be determined by the Minister on the advice of the Commissioner and may on such advice as aforesaid be altered by the Minister from time to time as the Minister may deem necessary.

(2) There shall be a forest inspector for each such district. Each forest inspector shall, under and subject to the provisions of the *Public Service Act 1979*, be appointed by the Governor. One of such inspectors shall in and by the inspector's appointment be the chief forest inspector: Provided that in making appointments to the positions of secretary and chief forest inspector preference shall be given, other things being equal, to persons holding a degree or diploma of a recognised school of forestry: Provided further that nothing in this subsection shall prevent the promotion or appointment to either of those positions of any officer or person employed in connection with the administration of this Act immediately before the commencement of the *Forestry (Amendment) Act 1935*.

10 Training, research and collection of statistics

(1) (Repealed)

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

10A Delegation

- (1) The commission may, by instrument in writing under seal, delegate:
- (a) to an Assistant Commissioner or authorised person (or a member of a specified class of authorised persons), or
 - (b), (c) (Repealed)
 - (d) to any prescribed person or a member of a prescribed class or description of persons,

the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the commission by or under this or any other Act as may be specified in the instrument of delegation, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the delegate to whom the exercise or performance thereof has been delegated.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstance as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the commission may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the commission.

(6) An instrument purporting to be signed by a delegate of the commission in the delegate's capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the commission under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the commission under this section.

(7) In this section, "**authorised person**" means the secretary to the commission or any person employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the commission to exercise its functions.

11 Powers and duties of the 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:

(i) so taken or otherwise acquired by the commission, or

(ii) for the sale or other disposition of which the commission has entered into an agreement under paragraph (m) (iii),

(d) may convert any timber:

(i) so taken or otherwise acquired by the commission, or

(ii) for the conversion of which the commission has entered into an agreement under paragraph (m) (iii),

into logs, wood-chips, wood-pulp or sawn, hewn or dressed timber or any other article or any substance and may (subject to the terms and conditions of any such agreement which relates thereto) process any of those articles or substances or any

bark, sidings, off-cuts, sawdust, shavings, or other residues produced as a consequence of the production of any of those articles or substances and sell or otherwise dispose of those articles or substances or anything produced as a consequence of processing any of those articles, substances or residues,

(d1) may, in respect of timber taken by the commission or any other person on Crown-timber lands, control the utilisation, sale and disposal of bark, sidings, off-cuts, chips, sawdust, shavings and other residues produced as a consequence of the conversion of that timber into logs or any other article,

(d2) may construct, purchase or take on lease or licence sawmills, factories or other premises for the purpose of enabling it to carry out any operation referred to in paragraph (d) of section 11C (2), together with such plant, machinery and equipment as may be necessary for the purpose of enabling it to carry out any such operation,

(d3) may engage such employees as are, in the opinion of the commission, necessary for the purpose of enabling it to carry out any operation referred to in paragraph (d) or section 11C (2),

(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, without limiting the generality of the powers conferred on it by section 7 (1A), purchase, take on lease or licence, charter or otherwise acquire any vehicle, aircraft, vessel, plant, machinery or other thing and adapt or manufacture machinery or equipment:

- (i) necessary for the taking or removing of timber or products on Crown-timber lands,
- (ii) necessary for the transporting of any article or other thing produced as a consequence of an operation carried out by the commission pursuant to paragraph (d),
- (iii) necessary for the taking or removing of timber or products pursuant to an agreement under paragraph (m) (iii), or
- (iv) otherwise necessary for the attainment of its objects or the exercise or performance of any of its powers, authorities, duties or functions under this Act,

(f1) may, without limiting the generality of the powers conferred on it by section 7 (1A) but subject to section 7 (3), sell, let on lease, charter or otherwise dispose of any vehicle, aircraft, vessel, plant, machinery or other thing acquired, adapted or manufactured by the commission pursuant to paragraph (f),

(f2) may purchase or otherwise acquire vehicles, vehicle chassis, aircraft, vessels, machinery or equipment and adapt them or it for the purpose of fire-fighting, may manufacture machinery or equipment for that purpose and may sell, let on lease, charter or otherwise dispose of anything adapted or manufactured for that purpose under this paragraph,

(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 *Rural Fires Act 1997*, 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) may provide an inspection service for the inspection of timber, whether or not the timber is incorporated in any structure,

(k1) may provide a service for the testing of timber and articles and commodities associated with the use 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,

(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 or otherwise acquired by the commission, or such quantities and kinds of articles, substances or other things produced as a consequence of the exercise by the commission of the powers conferred on it by paragraph (d), as may be specified in the agreement,

(ii) under which the commission, with the approval of the Minister, agrees to issue to that person timber licences or products licences or timber licences and products licences for the taking, at such intervals or during such periods, of such quantities and kinds of timber or products or timber and products, as may be specified in the agreement from lands within any area so specified,

(iia) under which the commission carries out silvicultural activities on, or under which the commission obtains the benefit of a forestry right (within the meaning of Division 4 of Part 6 of the *Conveyancing Act 1919*) in respect of, that person's land,

(iii) for the taking or removing of timber or products belonging to that person, the sale or other disposition of any such timber or products on that person's behalf, the carrying out of any operation referred to in paragraph (d) with respect to any such timber or products or any residues thereof on that person's behalf or the acquisition of any such timber or products from that person, or

(iv) for the doing of any thing for or in relation to any matter necessary for or incidental to the attainment of its objects or the exercise or performance of any of its powers, authorities, duties or functions conferred or imposed by or under this or any other Act,

(m1) may:

(i) join with any other person or persons in forming a partnership, but only where the partnership is formed for the purpose of carrying on the business of forestry, for the purpose of promoting safety and proficiency of forest operations or for the purpose of carrying on an activity of the same nature as an activity which the commission is empowered to carry on by paragraph (d), (g), (h), (j), (k), (k1) or (l) or section 11C (2),

(ii) either jointly with any other person or persons or by itself, acquire an interest in any partnership that carries on an activity of the nature referred to in subparagraph (i), or

(iii) involve itself in the control and management of, and in any activity of the nature referred to in subparagraph (i) carried on by, any partnership formed under subparagraph (i) or in which it has acquired an interest under subparagraph (ii),

(m2) may form a corporation (whether by joining with any other person or otherwise) for the purpose of facilitating the exercise of any of the commission's functions under this Act,

(m3) may do any one or more of the following:

- (i) procure the use of land on behalf of investors under a forestry right or by purchase, lease or otherwise,
- (ii) establish and maintain timber plantations on behalf of investors or other persons,
- (iii) harvest and market timber grown on behalf of investors or other persons,

(m4) may exercise any of the powers referred to in section 33C,

(m5) without limiting paragraph (m4), may, for any purpose consistent with its objects, grant a forestry right (within the meaning of section 87A of the *Conveyancing Act 1919*) in respect of a State forest, timber reserve or land owned by it, including any such right that is for the benefit of the commission, and only with the consent of any lessee in the case of a timber reserve, or

(n) may determine, from time to time, whether fees or charges shall be charged in respect of any activity carried out by the commission by or under this Act and, if so, the amounts of those fees or charges and the persons by whom those fees or charges shall be paid.

(1AA) The commission may exercise the powers conferred on it by subsection (1) (d2), (d3) and (m1) only with the approval of the Minister granted with the concurrence of the Treasurer.

(1A) The commission may, with the approval of the Minister, enter into an agreement with any other Minister or with any statutory body or any other body prescribed by the regulations for the purposes of this section or any council (within the meaning of the *Local Government Act 1993*), 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.

(1C) The commission may:

- (a) with the approval of the Minister, enter into an agreement with any person who has power to enter into such an agreement for the control or silvicultural management (or both) of land, not being land to which section 11A or 11B applies, and
- (b) in accordance with the terms and conditions of an agreement entered into under paragraph (a), control and manage the land to which the agreement relates.

(1D) Subject to the terms and conditions of the agreement, the provisions of this Act apply to and in respect of any land which, in accordance with an agreement under subsection (1C), is under the control and silvicultural management of the commission as if the land were a State forest.

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

(3) The commission may with the approval of the Minister:

- (a) construct, maintain and manage kilns which shall be used solely for conducting experiments in or in relation to the drying of timber,
- (b) purchase any land necessary to enable it to exercise the powers conferred by paragraph (a).

(4) The commission may enter into an agreement with the holder of a timber licence, products licence or forest materials licence for the construction by that holder of roads,

bridges, gates and ramps that, and any incidental works that, in the opinion of the commission, are necessary to enable timber, products or forest materials to be taken from the land in respect of which the licence was issued and for the cost of the roads, bridges, gates and ramps and the incidental works, as specified in the agreement, to be deducted, in such manner as may be specified in the agreement, by the holder of the licence from the royalties which, but for the deductions, the holder would be liable to pay.

11AA Limit on power to take timber etc from land subject to forestry right

Despite any other provision of this Act, the commission is not authorised to take, or authorise any other person to take, any timber, products or forest materials from any Crown-timber land that is the subject of a forestry right within the meaning of section 87A of the *Conveyancing Act 1919* unless the forestry right is held or granted by the commission.

11A Sylvicultural management of certain lands in the land district of Murrumbidgee

(1) The Governor may, by proclamation published in the Gazette, vest in the commission the control or sylvicultural management (or both) of such lands in the special land districts declared under the *Crown Lands Act 1989* in relation to Yanco and Mirrool as may from time to time be agreed upon between the commission and the Lands Administration Ministerial Corporation constituted by the *Crown Lands Act 1989* for such time and upon such terms and conditions as to the division of the revenue therefrom arising or otherwise as may be agreed and approved by the Governor.

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

(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 or sylvicultural management (or both) 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) power to approve of the variation of the time for which, and the terms and conditions upon which, the control or sylvicultural management (or both) of any lands are vested in the commission under this section.

(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 Lands Administration Ministerial Corporation constituted by the *Crown Lands Act 1989*, or
- (b) paragraph (b) of subsection (3) shall not be exercised unless the variation has been concurred in by the commission and the Lands Administration Ministerial Corporation constituted by the *Crown Lands Act 1989*.

11B Sylvicultural management of certain lands in catchment areas etc

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

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

11C Power of the commission to patent and use inventions

(1) The commission shall have and shall be deemed always to have had power:

- (a) to take an assignment from an officer or other employee appointed or employed under this Act of an invention made by such officer or other person in the course of his or her employment under this Act and to do and perform all acts and things necessary to obtain letters patent or the like or other protection for the

invention in the Commonwealth of Australia or elsewhere,

(b) to take an assignment from such an officer or other employee of letters patent for any such invention and to do and perform all acts and things necessary to obtain letters patent or the like or other protection for the invention in countries outside the Commonwealth of Australia.

(2) Where the commission has been granted or become entitled to the benefit of letters patent for any such invention, the commission:

(a) shall have and may exercise in respect of the invention all the powers, privileges and authorities conferred by law upon patentees, including the power to produce, manufacture or sell or otherwise dispose of any article which is the subject of the invention or in which the invention is incorporated, and

(b) without limiting the generality of the foregoing, may grant licences for the use of the invention or franchises for the sale of any article which is the subject of the invention or in which the invention is incorporated and impose royalties or other fees in respect thereof.

11D (Repealed)

12 Banking arrangements

(1) The commission may from time to time open and maintain an account or accounts with a bank, building society or credit union approved by the Treasurer.

(2) The commission shall maintain at all times at least one such account.

13 Application of money

(1) All money received by the commission shall be paid into an account referred to in section 12.

(2) All money received by the commission shall be applied for the purposes of this Act.

(3) Any interest payable on money invested shall be payable to the commission.

(4) All money appropriated by Parliament for the purposes of this Act shall be expended under the control and management of the commission.

(5) The Minister may from time to time by notice published in the Gazette set a limit on the amount of money that the commission may expend on any work without the approval of the Minister. Any expenditure by the commission that exceeds that limit is subject to the approval of the Minister.

(6) Nothing in this section affects the operation of the *Public Authorities (Financial Arrangements) Act 1987* in relation to the commission.

14 Funds

The commission may establish and maintain such funds as the commission determines, including a general reserve fund.

14A Dividends

At the end of each financial year, the commission shall pay into the Consolidated Fund out of the net surplus of the commission for that year such dividend (if any) as may be determined by the Minister after consultation with the Treasurer and after ensuring that sufficient funds are retained by the commission to maintain adequate solvency margins and to make such other provisions as may be considered necessary or desirable.

Part 2 – State forests, timber reserves and flora reserves

15 Acquisition and sale of land

(1) The Minister may, for the purpose of a State forest, for the purpose of providing access to a State forest or for any purpose necessary for or incidental to the management or control of a State forest, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

- (2) On acquisition, the land is vested in the Crown.
- (3) The Minister may, for the purpose of giving effect to an agreement entered into under section 16A, acquire land dedicated as State forest by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (4) Despite sections 18 (2), 19, 19A, 21A (1A) and 25A (4) of this Act, the publication in the Gazette of an acquisition notice under section 19 of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of subsection (3) operates to revoke any dedication as State forest, declaration as national forest, declaration as special management zone or setting apart as flora reserve of the land referred to in the acquisition notice.
- (4A) The Minister may, on behalf of the Crown, acquire land (including an interest in land) for the purposes of a future lease grant or dealing by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (4B) An acquisition for a future lease grant or dealing is an acquisition:
- (a) to enable the reservation, dedication or setting apart of land under this Act and the exercise of powers, authorities, duties and functions conferred or imposed by or under this Act in relation to land, or
 - (b) to enable the exercise of powers, authorities, duties and functions conferred or imposed by or under this Act in relation to land already reserved, dedicated or set apart under this Act.
- (4C) The publication in the Gazette of an acquisition notice under section 19 of the *Land Acquisition (Just Terms Compensation) Act 1991* for a purpose that is described as a future lease grant or dealing does not:
- (a) to the extent to which the land referred to in the acquisition notice was Crown land immediately before the publication of the acquisition notice, affect the status of the land as Crown land, or
 - (b) operate to revoke a dedication as State forest, declaration as national forest, declaration as special management zone, dedication or setting apart as a flora reserve or reservation as a timber reserve of the land referred to in the acquisition notice.
- (4D) Nothing in this section is to be taken to mean that the Minister cannot exercise functions in relation to land under this Act unless the Minister first compulsorily acquires the land concerned.
- (4E) Subsection (4A) does not limit the purposes for which land may be acquired under subsection (1) or any other provision of this Act.
- (5) For the purposes of the *Public Works Act 1912*, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.
- (6) The Minister may, on the recommendation of the commission, sell 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 if those lands have not been dedicated as a State forest, are not required for the purpose of a State forest or to provide access to a State forest or for any purpose necessary for or incidental to the control or management of a State forest.

16 (Repealed)

16A Exchange of land dedicated as State forest

- (1) Subject to this section, and notwithstanding anything contained in any Act, the Minister may, on behalf of the Crown and the commission, enter into an agreement for the sale or other disposal of land dedicated as State forest subject to the sale of other land, or of an interest in other land, to the Crown for the purpose of a State forest or for access thereto.
- (2) An agreement entered into under subsection (1) may contain such provisions,

stipulations, covenants, terms and conditions as the Minister thinks fit and, without limiting the generality of the foregoing provisions of this subsection, may make provision for and with respect to:

- (a) the addition to an existing holding, to be held as part thereof, of the land sold or otherwise disposed of on behalf of the Crown, or the tenure upon which it is to be held under an Act relating to the disposal of land vested in the Crown,
- (b) the price, value, capital value, rent, or capital value and rent, attributable to the land sold or otherwise disposed of on behalf of the Crown and, where appropriate, the price payable for land, or an interest in land, sold to the Crown,
- (c) the surrender to the Crown, before land dedicated as State forest is compulsorily acquired for the purpose of giving effect to the agreement, of any estate or interest in that land,
- (d) the giving, taking or retention of possession, pending implementation of the agreement, of land affected by the agreement, and the terms and conditions thereof,
- (e) the receipt by the commission of moneys otherwise payable to the Crown under the agreement.

(3) The Minister shall not enter into an agreement under subsection (1) unless the Minister is satisfied that:

- (a) execution of the proposed agreement has been recommended by the commission,
- (b) the Minister administering the provisions of an Act, other than this Act, relating to dealings with land vested in the Crown has approved the proposed agreement in so far as it relates to the grant of or other dealing with land that, pursuant to the agreement, is to be held subject to those provisions and in so far as it relates to the terms and conditions upon which it is to be so held,
- (c) a copy of the proposed agreement has, where it provides for the sale or other disposal of dedicated land that exceeds 20 hectares in area, been laid before both Houses of Parliament, and
- (d) where compliance with paragraph (c) is required:
 - (i) that notice has not been given in either House of Parliament within fifteen sitting days after a copy of the proposed agreement has been laid before it, of a motion that the agreement be not entered into, or
 - (ii) where any such notice is given, that the motion pursuant thereto has been withdrawn or defeated.

(4) Subsection (3) shall not operate to prevent the Minister from entering into an agreement by reason only that the parties thereto differ from those specified in a proposed agreement, relating to the same lands, that the Minister is authorised to enter into.

(5) No party to an agreement purporting to be made pursuant to subsection (1) or person claiming an estate or interest in any land the subject of such an agreement, nor the Registrar-General or other person registering or certifying title to land the subject of such an agreement, shall be bound to inquire:

- (a) whether subsection (3) has been complied with in relation to the agreement, or
- (b) whether the Minister is authorised to give effect to the agreement by an assurance of land vested in the Minister as constructing authority.

(6) Where an agreement entered into under subsection (1) provides for the doing or execution of any act, matter or thing pursuant to an Act other than this Act and the doing or execution of the act, matter or thing would not, but for this subsection, be authorised by that other Act, the doing or execution of that act, matter or thing shall be deemed to be so authorised, and any other act, matter or thing for which the agreement provides may be done or executed without any further authority than this Act.

(7) A failure to comply with subsection (3) in respect of an agreement shall not invalidate

the agreement or anything done thereunder.

17 Classification of forest lands

(1) The commission shall take all reasonable and practicable steps to ensure that there shall be maintained in New South Wales an area of not less than 3 250 000 hectares of land dedicated as State forests and that, of that land, there shall be not less than 600 000 hectares of land kept for the purposes of afforestation with trees of the exotic coniferous species.

(2) The commission shall carry on a continuing classification of the lands of the State for the purpose of determining which lands are suitable and desirable in the public interest to be permanently dedicated as State forests.

(3) In classifying lands of the State for the purpose of determining which lands should be dedicated as State forests the commission shall endeavour to ensure to such intent as to the commission seems proper that the selection of lands to be so dedicated will result in:

(a) the promotion of effective and economic control, utilisation and management of the forests for timber production and the facilitation of the economic marketing of the timber and other products of the forests,

(b) the establishment, maintenance or expansion of industry for the processing and treatment of the timber and other products of the forests,

(c) the growth and harvesting of trees for timber and products of economic value, and

(d) the continuing protection of necessary tree cover in the public interest,

and shall take into account:

(e) the potentiality for economic timber production of any lands which are of an inferior character for the purposes of agriculture or grazing but which, by appropriate treatment of the soils, would be capable of sustaining the growth of suitable commercial species of trees in plantations, and

(f) such other factors as the commission considers relevant to the establishment and proper management of State forests.

17A Review of dedicated State forests

The commission shall maintain a continuing review of the dedicated State forests for the purposes of:

(a) determining whether or not any State forest or part of any State forest should continue to be dedicated as such, and

(b) if not, recommending to the Minister the revocation of the dedication.

18 Dedication of State forests

(1) The Governor, by notice in the Gazette, may dedicate as a State forest any land vested in the Crown, and not lawfully contracted to be sold, and not the subject of a tenure from the Crown (except a tenure specified or described in the First Schedule of land having an area of more than 2 hectares), but may not include in such dedication land held under a conditional lease applied for before the first day of January one thousand nine hundred and ten, unless the land so leased is within a reserve from sale, and the Governor may cancel any previous dedication of such land.

(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.

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

(2A) Without affecting:

(a) the declaration of any land as national forest,

(a1) the declaration of any land as special management zone,

- (b) the setting apart of any land as flora reserve,
- (c) any rights or obligations conferred or imposed by or under this or any other Act,

the Governor may, by order published in the Gazette, constitute two or more State forests, or any parts of two or more State forests, as one State forest for the purposes of this Act.

(3) (Repealed)

19 Revocation of dedication

Subject to sections 16A and 19B, a dedication under this Act or under the Act hereby repealed of a State forest may be revoked or altered in whole or in part in the following manner:

- (a) The Governor shall lay on the table of each House of Parliament proposals for such revocation or alteration.
- (b) After such proposals have been so laid before Parliament, the Governor, on a resolution being passed by both Houses that such proposals be carried out, may, by notice in the Gazette, revoke or alter such dedication as aforesaid. On any such revocation the land shall become Crown lands within the meaning of the *Crown Lands Act 1989* or the *Western Lands Act 1901*, as the case may be, and shall be dealt with under those Acts respectively and until so dealt with shall be reserved from sale or lease under any Act.

19A National forests

The Governor may from time to time by notification published in the Gazette, declare that any State forest or part thereof specified in the notification shall be a national forest. The provisions of section 19 shall not extend to or in respect of any national forest.

Subject to sections 16A and 19B, the dedication as a State forest of any national forest shall not be revoked otherwise than by Act of Parliament.

19B Revocation of dedication etc in certain circumstances

- (1) Notwithstanding anything contained in this or any other Act, where the Minister, after considering a report and recommendation by the commission, is of the opinion that land not exceeding 20 hectares in area (being land dedicated as State forest) should be made available for a public work, or an authorised work, within the meaning of the *Public Works Act 1912*, or for a public purpose within the meaning of any other Act, the Minister may, by notification published in the Gazette, being a notification that specifies the public work, authorised work or public purpose for which the land should, in the Minister's opinion, be made available, revoke the dedication of that land as State forest.
- (2) A notification published under this section shall, notwithstanding anything contained in this Act, operate also to revoke any declaration of the affected land as national forest or as special management zone.

20 Leases within State forests

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

20A Easements

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

21 Land subject to mining law

Land within a State forest or flora reserve shall be subject to such of the provisions of the *Mining Act 1992* and of the *Petroleum (Onshore) Act 1991* as are applicable to land permanently dedicated; but the exercise of any right thereunder within a State forest or flora reserve shall be

subject to such conditions and restrictions relating to forestry or the purposes of the reserve, as the case may be, as may be prescribed:

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

21A Special management zones

- (1) The Minister may, by notice in the Gazette, declare any area of State forest (other than a flora reserve) to be a special management zone if the Minister is satisfied that the area has special conservation value.
- (1A) Subject to sections 16A and 19B, a notice under subsection (1) is not to be revoked either wholly or in part otherwise than by Act of Parliament.
- (1B) Despite subsection (1A), the Governor may, by notice published in the Gazette, revoke the declaration of any land as or as part of a special management zone and by that notice set apart the land as or as part of a flora reserve.
- (1C) Despite subsection (1A), the Governor may, by a notice under Division 1 of Part 4 of the *National Parks and Wildlife Act 1974* that reserves land under that Act:
 - (a) revoke the declaration of the land, or any part of the land, as a special management zone, and
 - (b) revoke the dedication of the land, or any part of the land, to which the declaration as a special management zone applies, as a State forest.
- (2) The Minister may, by notice in writing to the commission, prohibit particular kinds of operations in a special management zone, or prohibit operations in the zone unless particular conditions are complied with.
- (2A) The carrying out of general purpose logging is prohibited in a special management zone.
- (3) The object of the declaration of a special management zone and the prohibition of operations in the zone is to protect its special conservation value.
- (4) The commission must ensure that operations in a special management zone comply with any prohibition imposed by or under this section.
- (5) An integrated forestry operations approval under the *Forestry and National Park Estate Act 1998* does not authorise the carrying out of any forestry operations in a special management zone that are prohibited by or under this section.
- (6) The Minister may vary or revoke any notice under subsection (2) by a further notice.
- (7) The Minister is to ensure that the public is given an opportunity to make representations about any proposed notice of the Minister under this section to declare a special management zone. The Minister must:
 - (a) fix a time within which the public may make representations about the proposal, and
 - (b) make copies of the proposed notice available for public inspection before that time, and
 - (c) make available for public inspection before that time a statement outlining the activities that the Minister proposes to prohibit in the zone, and
 - (d) take any representation on the proposal received by the Minister within that time into account before making a decision on the matter.
- (8) The Minister is to cause copies of any notice under this section to be available for public inspection at the head office of the commission during office hours.

22 Reservation of timber reserves

The Governor, by notice in the Gazette, may on the recommendation of the Minister, and with the concurrence of the Minister for Lands, temporarily reserve from sale any Crown lands, except 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 2 hectares, or except land held under a conditional lease applied for before the first day of January, one thousand nine hundred and ten, as a timber reserve, and revoke or alter, in whole or in part, any such reservation, or any reservation made before the commencement of this Act, of land for a timber or forest reserve.

Where any reservation of any land is so revoked, the land shall, unless otherwise declared by notification in the Gazette, be dealt with under the Crown Lands Acts or the *Western Lands Act 1901*, as the case may be, and until so dealt with shall be reserved from sale or lease under any Act.

23 Revocation of reservation

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

24 Lease or licence of land within a timber reserve

A lease or licence of land within a timber reserve may be granted under the *Crown Lands Act 1989* or the *Western Lands Act 1901*, as the case may be, with the approval of the commission for such purpose and for such term and subject to such conditions as the commission thinks fit to impose.

25 Existing leases and licences in State forests and timber reserves

(1) The dedication of land as a State forest or the declaration of land as a special management zone or the dedication or setting apart of land as a flora reserve or the reservation of land as a timber reserve shall not, except as in this Act provided, affect any lease or licence from the Crown current and in force at the time of such dedication, declaration or reservation: Provided that, unless with the approval of the commission, any such lease or licence under the *Western Lands Act 1901* shall not be renewed, and its terms shall not extend beyond the term or period current at the time aforesaid, and such renewal or extension shall be subject to such conditions as the commission thinks fit to impose. Any such other lease or licence shall not be renewed or extended. Provided also that the administration of matters relating to such leases or licences (other than leases or licences within a timber reserve) shall be vested in the Minister or, with the approval of the Minister, in the commission, who or which for that purpose shall have the powers of the Minister for Lands. But until and unless the Minister otherwise declares by notification in the Gazette, this proviso shall not apply to lands within the Western Division, and the administration of matters relating to leases and licences of such lands shall, until such notification, continue to be vested in the Minister for Lands.

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

(3) Moneys payable as rent under any such lease or licence, other than a lease or licence within a timber reserve, shall be received by the commission.

25A Flora reserves

(1) The Governor may, by notice in the Gazette, dedicate any area of Crown lands not being Crown lands the subject of a tenure from the Crown (except a tenure specified or described in the First Schedule of land having an area of more than 2 hectares) or set apart the whole or a portion of any State forest as a flora reserve for the preservation of native flora.

(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.

(2) Crown lands shall not be dedicated under this section except with the concurrence of

the Minister for Lands.

(3) The setting apart under this section of the whole or a part of a State forest as a flora reserve shall not affect the dedication as a State forest of the area so set apart.

(4) Subject to section 16A, a notice in the Gazette under this section shall not be revoked either wholly or in part otherwise than by Act of Parliament.

(5)

(a) The commission shall, in respect of each flora reserve, cause to be drawn up a detailed written scheme of the operations which it is proposed to undertake on or in relation to the flora reserve.

(b) The object of the scheme shall be the preservation of native flora on the flora reserve.

(c) Such scheme shall be submitted to the Minister for the Minister's approval, and if approved by the Minister shall become the working plan for such flora reserve.

(d) No operations shall be undertaken on or in relation to a flora reserve unless such operations are in accordance with the working plan for the reserve.

(e) The working plan for a flora reserve may, with the approval of the Minister, be amended or altered from time to time.

(f) A working plan may contain provisions authorising the council of an area (within the meaning of the *Local Government Act 1993*) within the boundary of which a flora reserve or part thereof is situate to participate to the extent specified in the working plan in the management of such reserve or in the undertaking of any operations authorised by the working plan to be undertaken on or in relation to such reserve, and in any such case the council concerned may expend out of its consolidated fund any moneys necessary to meet the costs and expenses of exercising the authority conferred upon it by the working plan.

(g) A working plan may also contain provisions authorising the representative or representatives of any local committee or public body or organisation to participate, to the extent specified in the working plan, in the management of the flora reserve or in the undertaking of any operations authorised by the working plan to be undertaken on the reserve.

25B (Repealed)

Part 2A – Provisions applicable on conversion of certain leases from the Crown to freehold

25C Definitions

In this Part:

"owner", in relation to purchase-tenure land, means:

(a) where the land has not been brought under the provisions of the *Real Property Act 1900* the holder or the owner, subject to mortgage, of the prescribed lease from the crown immediately before the application for the purchase of the land was granted under the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*, as the case may be, or, where the title of that holder or owner has devolved or been transferred, any successor of that holder or owner, but does not include a mortgagee of the land, or

(b) where the land has been brought under the provisions of the *Real Property Act 1900* -- the registered proprietor of the land or, where the registered proprietor holds the land as mortgagee, the mortgagor, or any successor of the mortgagor, for the time being entitled to the equity of redemption.

"prescribed lease from the Crown" means a conditional lease (not being a conditional lease

applied for before the first day of January, one thousand nine hundred and ten), a settlement lease, a Crown-lease or a special lease granted under the *Crown Lands Consolidation Act 1913*, a lease under the *Western Lands Act 1901* or a prickly-pear lease granted under the *Prickly-pear Act 1924*, but does not include any such lease of land having an area of 2 hectares or less.

"prescribed officer" means:

- (a) in respect of any provision of this Part relating to prescribed leases from the Crown granted or confirmed under the *Crown Lands Consolidation Act 1913* or the *Prickly-pear Act 1924* --the Secretary of the Department of Lands or any officer of that Department authorised by that Secretary to act for the purposes of that provision, and
- (b) in respect of any provision of this Part relating to prescribed leases from the Crown granted under the *Western Lands Act 1901* --the Western Lands Commissioner or any officer employed in the administration of the *Western Lands Act 1901* authorised by the Western Lands Commissioner to act for the purposes of that provision.

"purchase-tenure land" means land held under a prescribed lease from the Crown which has been contracted to be sold under the Crown Lands Acts or the *Western Lands Act 1901*.

25D Application of provisions of this Part

The Minister may, on the recommendation of the commission, by order published in the Gazette, declare that any Crown lands described in the order shall not be subject to the provisions of section 25E or section 25F or of both sections 25E and 25F, as may be specified in the order, and any such order shall have effect on and from the date on which it is so published.

25E Restriction on granting applications to purchase land subject to prescribed leases from the Crown

- (1) An application for the purchase of land held under a prescribed lease from the Crown shall not be granted if:
 - (a) notice in writing of the application has not been given to the commission by a prescribed officer, or
 - (b) where such a notice has been so given, the commission has, within a period of three months after the receipt of the notice or within such further period not exceeding three months as may, within that first-mentioned period of three months, have been notified by the commission to that prescribed officer, certified in writing to that prescribed officer that it objects to the granting of the application.
- (2) Where the commission has certified in writing to a prescribed officer that it objects to the granting of an application, the application shall be deemed to have been refused.
- (3) If, within the prescribed period after the commission has so certified, any land to which the certificate relates has not been dedicated as a State forest or flora reserve, the provisions of subsection (1) do not apply to any application for the purchase of the land, being an application made in respect of the land or any part thereof within twelve months after the expiration of that prescribed period.
- (4) Any land to which a certificate given by the commission under subsection (1) relates shall not, during the prescribed period referred to in subsection (3), be disposed of except with the consent in writing of the commission, and a lease of any such land shall not, during that prescribed period, be granted or extended, except with such a consent.
- (5) A failure to comply with the provisions of subsection (1) does not affect the validity of any title granted pursuant to an application referred to in that subsection.
- (6) Subsection (1) does not apply to an application for the purchase of land leased solely for the purpose of tree-farming.
- (7) If the commission does not object to the application, the commission may certify to

the prescribed officer to that effect and may, if it thinks fit, certify that section 25F is not to apply to the land concerned.

25F Crown's rights to timber and products on purchase-tenure land

(1) Upon land becoming purchase-tenure land there is (unless the commission has certified under section 25E (7) that this section is not to apply to the land) reserved to the Crown for the enjoyment of the commission, or, if a timber licence or products licence is issued in respect of that land, for the enjoyment of the holder of the licence, a profit \tilde{A} prendre conferring on the commission or that holder, as the case may be, the right, whether or not the balance of purchase money is paid or the land is under the provisions of the *Real Property Act 1900*, to take timber or products from that land to the exclusion of any person who, but for this subsection, would be entitled to take the timber or products.

(2) Subject to section 25I a profit \tilde{A} prendre reserved in respect of any land under subsection (1) expires at the end of a period of ten years from the date on which the land became purchase-tenure land.

(3) Except as otherwise provided by this Act, the commission, or the holder of a timber licence or products licence entitled to the enjoyment of a profit \tilde{A} prendre reserved under subsection (1), is not liable to make any payment in respect of the rights conferred thereby.

(4) Without derogating from the rights conferred by law on persons entitled to the enjoyment of profits \tilde{A} prendre, the commission, or holder of a timber licence or products licence, entitled to the enjoyment of a profit \tilde{A} prendre reserved in respect of any land under subsection (1) may, during the currency of the profit \tilde{A} prendre, and with or without workers or servants and animals, vehicles, machinery and equipment, enter upon and occupy the land affected by the profit \tilde{A} prendre for the purpose of removing, treating, processing or protecting the timber or products the subject of the profit \tilde{A} prendre for the purpose of constructing roads, bridges, gates and ramps and incidental works that, in the opinion of the commission, are necessary to enable the timber or products to be removed from the land, but nothing in this subsection authorises the holder of a licence to contravene any conditions or limitations of that licence.

(5) A profit \tilde{A} prendre reserved in respect of any land under subsection (1) does not confer the right to take from the land any trees which, in the opinion of the commission:

- (a) have been planted or established and have been maintained by careful tending and improvement as a woodlot or forest or for the purpose of tree-farming or have been planted or established as a windbreak or for the beautification of the land, or
- (a1) have been established on land that is the subject of a forestry right within the meaning of section 87A of the *Conveyancing Act 1919*, 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 land.

(6) The restriction of a profit \tilde{A} prendre imposed by paragraph (b) of subsection (5) extends only to trees selected by the commission and having a total timber content not exceeding 150 cubic metres, as determined by the commission.

(7) The reservation in respect of any land of a profit \tilde{A} prendre under subsection (1) does not prevent the owner of that land from taking timber or products for the purpose of erecting fences on the land or, with the consent in writing of the commission, for building or other purposes on the land.

(8) Every estate or interest acquired by an agreement for the disposition of purchase-tenure land which has not been brought under the provisions of the *Real Property Act 1900* or by a transfer or conveyance of any such land shall, notwithstanding any other law, be subject to any rights under a profit \tilde{A} prendre affecting the land and reserved to the Crown under subsection (1).

25G Commission may sell its rights in timber and products on purchase-tenure land

(1) The commission may, if it thinks fit, enter into an agreement, containing such terms and conditions as may be agreed upon, to sell to the owner of any purchase-tenure land the subsisting rights of the commission under a profit \tilde{A} prendre reserved in respect of that land under subsection (1) of section 25F.

(2) The price at which the subsisting rights of the commission under a profit \tilde{A} prendre may be agreed to be sold under subsection (1) shall be such amount as the commission determines would have been received by the Crown by way of royalty if the timber and products the subject of those rights had been taken pursuant to a timber licence or products licence.

25H Timber or products to be removed in one continuous operation

Where the commission removes any timber or products pursuant to subsection (1) of section 25F or issues a timber licence or products licence for the removal of any timber or products pursuant to that subsection it shall as far as is practicable remove, or it shall impose conditions requiring the holder of the licence as far as practicable to remove, the timber or products in one continuous operation or in one continuous programme of operations.

25I Commission to execute certificate releasing land from profit \tilde{A} prendre

(1) Where:

(a) the commission is of the opinion that the timber and products the subject of a profit \tilde{A} prendre reserved in respect of any land under subsection (1) of section 25F have been substantially taken from that land before the expiration of the profit \tilde{A} prendre as referred to in subsection (2) of section 25F,

(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 \tilde{A} prendre it is unlikely that the timber or products would be taken by the Crown or the holder of a timber licence or products licence before that expiration, or

(b) an agreement to sell the subsisting rights of the commission under any such profit \tilde{A} prendre has been entered into under section 25G, and no timber licence or products licence remains in force in respect of the land,

the commission shall execute a certificate, in the prescribed form, certifying that the land is freed from the profit \tilde{A} prendre and thereupon the Crown shall be deemed to have released the land from the burden of the profit \tilde{A} prendre.

(2) The Commission shall after the execution of any such certificate in respect of any land:

(a) if the land is not under the provisions of the *Real Property Act 1900*, lodge a copy of the certificate with the Registrar-General who shall record in the record of Crown holdings which are not under that Act, in such manner as the Registrar-General considers proper, the release of the profit \tilde{A} prendre,

(b) if the land is under the provisions of the *Real Property Act 1900*, lodge with the Registrar-General in a form approved by the Registrar-General a copy of the certificate and upon receipt of it the Registrar-General shall, under section 32 of that Act, record in the Register kept under that Act, in such manner as the Registrar-General considers proper, the release of the profit \tilde{A} prendre and shall make a corresponding recording on the grant or certificate of title upon its being produced, and

(c) if the certificate was executed on application made by the owner of the land, furnish to the owner a copy of the certificate.

(3) (Repealed)

25J (Repealed)

Part 3 – Provisions relating to the taking of timber, products and forest

materials

Division 1 – Unlawful taking of timber, products and forest materials

26, 26A (Repealed)

27 Penalty for unlawfully taking timber, products or forest materials

(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 50 penalty units or to imprisonment for a period not exceeding 6 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 \$10 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 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 timber licence, products licence or clearing licence.

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

(a) by reason of the person doing any of the things referred to in subsection (1):

(i) in pursuance of a timber licence, products licence, forest materials licence, clearing licence or other authority issued or granted by the commission,

(ia) in pursuance of and in accordance with the *Native Vegetation Act 2003* (including any instrument made under that Act),

(ii) in pursuance of and in accordance with the provisions of the *Mining Act 1992* or any mineral claim or mining lease 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, or where the tree is or was situated on an authorised plantation within the meaning of the *Plantations and Reafforestation Act 1999*,

(iv) in respect of any tree on lands the subject of a profit $\tilde{\text{A}}$ prendre reserve under section 25F where the commission has certified in writing that the tree is not subject to the profit $\tilde{\text{A}}$ prendre by reason of the operation of paragraph (a), (a1) or (b) of subsection (5) of section 25F,

(iva) in pursuance of and in accordance with a forestry right within the meaning of section 87A of the *Conveyancing Act 1919* and any restriction on use or covenant imposed under Division 4 of Part 6 of that Act in connection with the forestry right,

(v) in the course of the person's employment by the commission,

- (va) in respect of any timber removed, felled or destroyed in accordance with section 89 of the *Rural Lands Protection Act 1998*, or
 - (vi) in pursuance of and in accordance with the provisions of the *Petroleum (Onshore) Act 1991* or any petroleum title under that Act,
 - (b) by reason only of the person's taking timber or other materials as authorised by Schedule 6 to the *Crown Lands (Continued Tenures) Act 1989* or section 18D(ii) of the *Western Lands Act 1901* or as referred to in section 25F (7), or
 - (c) (Repealed)
 - (d) where the person is a lessee under a conditional lease applied for before 1 January 1910, by reason of the person's ringbarking or otherwise killing or destroying any tree on the land the subject of the conditional lease.
- (4) Nothing in this section affects the operation of section 155 or 159 of the *Crown Lands Act 1989*, but a person shall not be liable to more than one penalty for the same offence.
- (5) A penalty may be imposed under this section in addition to any penalty, fine or forfeiture imposed by any lease or licence 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.

Division 2 – Licences

27A Timber licences

- (1) A timber licence authorises the holder, subject to the regulations and subject to the conditions and limitations of the licence, to take timber, or such class or description of timber as is specified in the licence, on Crown-timber lands.
- (2) The term of a timber licence:
 - (a) shall not exceed 5 years without the prior written approval of the Minister, and
 - (b) shall not, in any event, exceed 20 years.
- (3) Timber licences shall be issued by the commission.

27B Products licences

- (1) A products licence authorises the holder, subject to the regulations and subject to the conditions and limitations of the licence, to take products, or such class or description of products as is specified in the licence, on Crown-timber lands.
- (2) The term of a products licence shall be such term, not exceeding 5 years, as is specified in the licence.
- (3) Products licences shall be issued by the commission.

27C Forest materials licences

- (1) A forest materials licence authorises the holder, subject to the regulations and subject to the conditions and limitations of the licence, to take forest materials, or such class or description of forest materials as is specified in the licence, from a State forest.
- (2) The term of a forest materials licence shall be such term, not exceeding 5 years, as is specified in the licence.
- (3) Forest materials licences shall be issued by the commission.

27D Consents of lessees and trustees

Nothing in section 27A or 27B authorises the commission to issue a timber licence or products licence in respect of:

- (a) land held under:
 - (i) a conditional lease applied for before 1 January 1910 and not reserved from sale, or
 - (ii) a conditional purchase lease,unless the lessee of that land consents to the issue of the licence, or
- (b) land in respect of which trustees have been appointed for a public purpose, unless those trustees consent to the issue of the licence.

27E Trees planted, established or necessary for certain purposes

(1) Where the commission, pursuant to section 25F (5), has formed the opinion, or where the commission is otherwise of the opinion, that 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 or for the purpose of tree-farming or have been planted or established as a windbreak or for the beautification of the lands,

or

(a1) have been established on land that is the subject of a forestry right within the meaning of section 87A of the *Conveyancing Act 1919*, or

(b) are growing on land that has been substantially improved for farming purposes and which, subject to subsection (2), are necessary for shade or shelter or for the purpose of the farming, improvement or protection of the lands,

the commission shall not issue a timber licence or products licence in respect of those lands unless the licence includes a condition or limitation preventing the holder of the licence from taking from the land to which the licence relates any such trees as are designated or described in the condition or limitation.

(2) The obligation to impose a condition or limitation in respect of trees referred to in subsection (1) (b) extends only to trees designated or described in the condition or limitation and having a total timber content not exceeding 150 cubic metres, as determined by the commission.

(3) Subsection (1) does not apply to the issue, in relation to Crown-timber lands which are subject to a tenure specified or described in the First Schedule, of a timber licence or products licence to the holder of that tenure or, with the consent of that holder, to any other person.

27F Issue of licences in respect of flora reserves

Nothing in section 27A, 27B or 27C authorises the commission to issue a timber licence, products licence or forest materials licence in respect of a flora reserve unless:

(a) the conditions and limitations of the licence are in accordance with the working plan for that flora reserve, and

(b) the issue of the licence is approved by the Minister.

27G Clearing licences

(1) A clearing licence authorises:

(a) the holder, and

(b) a successor in title to the land in respect of which the clearing licence is issued,

subject to the regulations and subject to the conditions and limitations of the licence, to ringbark or otherwise kill or destroy trees, or any specified description thereof, on such Crown-timber lands as are specified in the licence, notwithstanding the provisions of any other Act or any terms or conditions subject to which any tenure of those Crown-timber lands is held.

(2) The term of a clearing licence shall be such term as is specified in the licence.

(3) Clearing licences shall be issued by the commission.

27H Restrictions on issue of clearing licences

Nothing in section 27G authorises the commission to issue a clearing licence:

(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,

(b) in respect of Crown-timber lands within a flora reserve,

(b1) in respect of Crown-timber lands which are the subject of a lease under the *Western*

Lands Act 1901 and are not within a State forest or timber reserve,

(c) 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,

(c1) in respect of land that is vested in, owned by, held on trust by or leased (as lessee) by the Nature Conservation Trust of New South Wales constituted by the *Nature Conservation Trust Act 2001*,

(c2) in respect of land that is the subject of a Trust agreement under the *Nature Conservation Trust Act 2001*,

(d) in respect of protected land within the meaning of the *Native Vegetation Conservation Act 1997*,

(d1) to clear any native vegetation within the meaning of the *Native Vegetation Act 2003*, or

(e) to ringbark or otherwise kill or destroy trees having economic value.

28 Sawmill licences

(1) A sawmill licence authorises the holder, subject to the regulations, and subject to the conditions and limitations of the licence, to work a mill for the sawing and treatment of timber.

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

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

29 Penalty for unlawfully working sawmill

(1) If any person (whether as owner, lessee, or otherwise) works a mill for the sawing or treatment of timber except:

(a) under the authority of a sawmill licence issued under section 28 which is in force, or

(b) in accordance with a written permission of the commission granted in such circumstances, if any, and in respect of such quantity of timber, if any, as may be prescribed,

the person shall be liable to a penalty not exceeding 20 penalty units.

(2) If any person contravenes or breaks any provision or condition in a sawmill licence referred to in subsection (1) or a written permission referred to in subsection (1) (b), the person shall be liable to a penalty not exceeding 20 penalty units.

(3) A person who is an officer of a corporation (within the meaning of the *Corporations Act 2001* of the Commonwealth) which commits an offence under subsection (1) or (2) is guilty of the same offence, and liable to be punished as an individual guilty of that offence, unless the person satisfies the court that:

(a) the offence committed by the corporation was committed without the person's knowledge,

(b) the person was not in a position to influence the conduct of the corporation in relation to the commission of the offence by it, or

(c) the person, being in such a position, used all due diligence to prevent the commission of the offence by the corporation.

Division 3 – Payment of royalty

30 Definitions

In this Division:

"landholder", in relation to prescribed land, means:

- (a) in the case of land held under a lease specified in the Second Schedule--the lessee of the land, or
- (b) in the case of purchase-tenure land--the owner of the land, or
- (c) in the case of land under the care, control and management of a rural lands protection board--the board having the care, control and management of the land.

"**lessee**" means the holder or owner of a lease, but does not include a mortgagee of land the subject of a lease.

"**owner**", in relation to purchase-tenure land, has the meaning ascribed thereto in section 25C.

"**prescribed land**" means:

- (a) land held by a lessee under a lease specified in the Second Schedule, or
- (b) purchase-tenure land, or
- (c) a controlled travelling stock reserve within the meaning of the *Rural Lands Protection Act 1998*.

"**purchase-tenure land**" has the meaning ascribed thereto in section 25C.

"**responsible board**" has the meaning it has in the definition of "**responsible board**" in section 84 of the *Rural Lands Protection Act 1998*.

"**royalty**" means a royalty payable under this Division.

30A Royalty for timber, products and forest materials

(1) The holder of a timber licence, products licence or forest materials licence shall, in accordance with this Division, pay to the commission a royalty in respect of the timber, products or forest materials taken in pursuance of the licence.

(2) Nothing in subsection (1) requires the payment of a royalty in respect of timber taken in pursuance of a timber licence 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 or for the purpose of tree-farming or have been planted or established as a windbreak or for the beautification of the land.

30AA Limitation on royalty

Despite any other provision of this Division, the commission is not entitled to a royalty in respect of any timber or products:

- (a) derived from trees that have been established on land that is the subject of a forestry right within the meaning of section 87A of the *Conveyancing Act 1919*, and
- (b) taken in accordance with the forestry right and any restriction on use or covenant imposed in connection with the forestry right,

unless the forestry right is granted by the commission.

30B Amount of royalty

A royalty shall be such amount as the commission may from time to time determine either generally or in a particular case or class of cases.

30C (Repealed)

30D Timber organisations

The commission may from time to time determine, either generally or in a particular case or class of cases, to pay such part of a royalty as is specified in its determination to such organisation established for the promotion or improvement of the use or marketing of timber or

products produced in New South Wales as is so specified.

30E Apportionment of royalty--certain land

(1) This section applies to a royalty payable in respect of timber, products or forest materials taken on or from prescribed land.

(2) When a royalty to which this section applies is paid to the commission, the commission is required to pay to the landholder concerned (other than a responsible board) one-third of the balance of the royalty remaining after deduction of the following amounts:

(a) any part of the royalty that is payable pursuant to a determination under section 30D (payments to certain timber organisations),

(b) any costs incurred by the commission in connection with the establishment, planting, maintenance, improvement and protection of the timber, products or forest materials,

(c) any costs incurred by the commission in connection with the facilitation of the taking of the timber, products or forest materials, including the costs of construction and maintenance of roads, bridges, gates, ramps and incidental works.

(3) The costs that are deductible under subsection (2) (b) and (c) are to be as determined by the commission.

(4) A share of royalty payable by the commission to a landholder under this section must be paid before the expiration of 1 month after the end of the financial year of the commission that is current when the royalty concerned is paid to the commission.

(5) Nothing in this Division entitles a landholder to be paid an amount of royalty in respect of the taking of timber, products or forest materials under a licence held by the landholder.

30F Royalty payments by commission

If the commission takes timber or products from prescribed land, the commission is required:

(a) to pay to an organisation specified in a determination under section 30D the amount that would have been payable under the determination, and

(b) to pay to the landholder concerned (other than a responsible board) the amount that would have been payable to the landholder under section 30E,

if the timber or products had been taken under a timber licence or products licence and a royalty had been paid to the commission in respect of the timber or products in accordance with this Division.

30G (Repealed)

30H Liability for royalty if timber etc taken without licence

(1) Where a person takes, destroys or damages or causes or knowingly suffers the taking, destroying or damaging of any timber, products or forest materials otherwise than in pursuance of a licence or other authority issued or granted by the commission (whether or not by doing so the person is guilty of an offence against this Act) and the commission would, if the timber, products or forest materials had been taken in pursuance of a licence, have been entitled to determine a royalty 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 or forest materials had been taken in pursuance of a licence and may recover that amount from the person as a debt in any court of competent jurisdiction.

(2) Section 30E applies in respect of an amount recovered by the commission under this section as if the amount were a royalty paid to the commission under section 30A.

(3) Subsection (2) does not require the commission, in respect of an amount recovered by

it under this section, to make a payment out of the amount to the person from whom the amount is recovered.

Division 4 – Taking of small quantities from certain lands

30I Taking of small quantities of timber etc from certain lands

(1) The commission may, otherwise than by the issue of a timber licence, products licence or forest materials licence, authorise a person, in such manner and on such terms and conditions as may be determined by the commission:

- (a) to take timber, products or forest materials (not having a value in excess of \$400 or such other amount as may be prescribed) on or from land within a State forest, other than land set apart as a flora reserve, or
- (b) to take timber or products (not having a value in excess of \$400 or such other amount as may be prescribed) on or from Crown lands.

(2) An authorisation under subsection (1) shall not be issued in respect of:

(a) land held under:

- (i) a conditional lease applied for before 1 January 1910 and not reserved from sale,
- (ii) a conditional purchase lease,
- (iii) a closer settlement lease, group purchase lease or settlement purchase lease granted under the Closer Settlement Acts, or
- (iv) a returned soldiers' special holding, being a lease to a discharged soldier granted under section 4 of the *Returned Soldiers Settlement Act 1916*,

unless the lessee of that land consents to the issue of the authorisation, or

(b) land in respect of which trustees have been appointed for a public purpose, unless those trustees consent to the issue of the authorisation.

Division 5 – Savings and transitional provisions

30J Definitions

In this Division:

"amending Act" means the *Forestry (Amendment) Act 1989*.

"former compensation provisions" means the provisions of this Division as in force immediately before their repeal by the amending Act, including any regulations in force for the purposes of those provisions.

30K Phasing-in of royalty apportionment scheme

The former compensation provisions continue to apply in respect of land to which those provisions applied immediately before their repeal, but only so as to enable:

- (a) the assessment of compensation in respect of that land on one occasion only after the repeal of the former compensation provisions, and
- (b) the payment of any compensation so assessed.

30L Prevention of payment of compensation and royalty apportionment for same period

Section 30E (2) (payment of one-third of royalty to landholder) applies only in respect of a royalty that becomes payable after whichever of the following events is applicable in the particular case:

- (a) the repeal of the former compensation provisions if those provisions do not continue to apply to the land concerned under section 30K,
- (b) if those provisions do not continue to apply to the land--the first occasion following their repeal on which the commission is required to make an assessment of compensation under those provisions in respect of the land.

30M (Repealed)

Part 4 – Permits and forest leases

31 Permits to occupy and use land

- (1) A grazing permit under this Act authorises the holder, subject to the regulations and subject to the conditions and limitations of the permit, to graze and water animals.
- (1A) An occupation permit under this Act authorises the holder, subject to the regulations and subject to the conditions and limitations of the permit, to occupy land:
- (a) as the site of a sawmill or other building, or any tramway, wharf, or timber depot,
 - (b) for charcoal burning or bee-farming or any other purpose approved by the commission, or
 - (c) where the permit is in respect of land within a State forest or flora reserve, for any purpose approved by the commission and specified in the permit.
- (2) An occupation permit may be granted under subsection (1A) (a) only to a person who is the holder of a licence, not being a clearing licence.
- (3) A permit under this section may be granted in respect of land within a State forest or timber reserve or flora reserve, or in respect of any Crown lands other than land held under:
- (a) a conditional lease and not reserved from sale,
 - (b) a conditional purchase lease,
 - (c) a closer settlement lease, group purchase lease or settlement purchase lease granted under the Closer Settlements Acts, or
 - (d) a returned soldiers' special holding, being a lease to a discharged soldier granted under section 4 of the *Returned Soldiers Settlement Act 1916*.
- A grazing permit or an occupation permit for a purpose mentioned in subsection (1A) (a) or (b) in respect of Crown lands may be granted only with the concurrence of the Minister administering the Crown Lands Acts or a person authorised in writing by that Minister to perform that Minister's functions under this section. Land in respect of which an occupation permit is granted for a purpose mentioned in subsection (1A) (a) shall not be available for sale during the currency of the permit.
- (4) A permit granted under this section shall not withdraw the land to which it applies from any lease or licence under the Crown Lands Acts or the *Western Lands Act 1901* or from any forest lease granted under this Act. But the holder of such permit shall, in addition to any rent or fees payable to the commission, pay compensation to the lessee or licensee as follows:
- (a) Where the permit is to graze and water horses or cattle, the holder shall pay such agistment fees as the commission may fix.
 - (b) In any other case the amount of compensation shall be assessed by the commission.
- (5) A permit under this section may be granted and renewed by the commission for such term and on such conditions respectively as the commission thinks fit.
- (6) A permit under this section shall not be granted in respect of land within a flora reserve except with the approval of the Minister and in accordance with the working plan for the reserve.
- (7) A permit under this section may not be granted in respect of land that is subject to a forestry right (within the meaning of section 87A of the *Conveyancing Act 1919*) if the permit is for a purpose that is, in the opinion of the commission, inconsistent with:
- (a) the forestry right, or
 - (b) a restriction on the use of land, or forestry covenant, imposed in connection with the forestry right under Division 4 of Part 6 of the *Conveyancing Act 1919*.

32 Offences relating to the grazing of animals and the occupation or use of land

- (1) A person shall not, without lawful authority, graze or water animals on any land within a State forest, timber reserve or flora reserve. Penalty: 20 penalty units.
- (2) A person shall not, without lawful authority, occupy or use any land within a State forest, timber reserve or flora reserve. Penalty: 20 penalty units.
- (3) In proceedings for an offence arising under this section, the defendant has the onus of proving lawful authority in relation to the act giving rise to the alleged offence.
- (4) A penalty may be imposed under this section in relation to the grazing or watering of animals on any land or the occupation or use of any land in addition to any penalty, fine or forfeiture imposed by any lease from the Crown lawfully in force in respect of that land.

32A Definition of animal for purposes of secs 32B, 32C

In sections 32B and 32C, "**animal**" includes a reptile but does not include a fish.

32B (Repealed)

32C Offences relating to hunting and using firearms etc

- (1) In this section, "**firearm**" includes any weapon that is capable of propelling a projectile, whether by use of an explosive or by other means.
- (2) A person shall not:
 - (a) have in the person's possession or discharge a firearm in a State forest, timber reserve or flora reserve,
 - (b) have in the person's possession or place or use a net, trap, snare, hunting device, poison or explosive in a State forest, timber reserve or flora reserve,
 - (c) discharge a firearm into a State forest, timber reserve or flora reserve,
 - (d) take, kill, hunt, shoot, poison, net, snare, spear, capture, lure or injure a bird or an animal in a State forest, timber reserve or flora reserve, or
 - (e) cause or knowingly suffer any of the things referred to in paragraphs (a)-(d) to be done.

Penalty: 50 penalty units or imprisonment for six months, or both.

- (3) A person is not guilty of an offence under subsection (2) by reason of the person's doing any of the things referred to in subsection (2):
 - (a) in pursuance of a grazing or occupation permit under this Act, a restricted game hunting licence under the *Game and Feral Animal Control Act 2002*, a forest lease or a tenure specified or described in the First Schedule,
 - (b) in pursuance of an agreement with the commission, or
 - (c) in relation to a snake, unless it is proved that there were no grounds on which the person could reasonably have believed at any relevant time that the snake was endangering, or was likely to endanger, any person or property.

32D Delivery up and seizure of firearms etc

- (1) Where a member of the police force or a person authorised by the commission in writing to act under this section suspects, on reasonable grounds, that a person has contravened section 32C (2), the member of the police force or person so authorised:
 - (a) may require the person to deliver up to him or her any article or thing referred to in section 32C (2) (a) or (b) and any bird or animal which is in the possession of the person, or
 - (b) may:
 - (i) detain and search the person and any vehicle or other property of the person, and
 - (ii) seize and detain any article or thing referred to in section 32C (2) (a) or (b) and any bird or animal found by the member of the police force or person so authorised as a result of the search.
- (2) A member of the police force or a person authorised in accordance with subsection (1) may seize and detain any article or thing referred to in section 32C (2) (a) or (b) and

any bird or animal which the member of the police force or person so authorised suspects, on reasonable grounds, has been placed in or taken, killed, hunted, shot, poisoned, netted, snared, speared, captured, lured or injured in a State forest, timber reserve or flora reserve by a person in contravention of section 32C (2).

(3) A person shall not fail to deliver up to a member of the police force, or, on production of an authority, a person authorised in accordance with subsection (1), an article or thing referred to in section 32C (2) (a) or (b) or a bird or an animal which is in the person's possession or obstruct, hinder, prevent or interfere with a member of the police force or a person so authorised in the exercise or performance of any power, authority, duty or function conferred by this section. Penalty for an offence against this subsection: 20 penalty units.

32E Disposal of firearms etc

Where an article or thing referred to in section 32C (2) (a) or (b) or a bird or an animal is delivered up under section 32D (1) (a) or seized and detained under section 32D (1) (b) (ii) or (2) and:

(a) a person is not, within a period of 30 days after the delivery up or seizure, charged with an offence under section 32C (2) or under any other Act in respect of the article or thing or bird or animal, a Local Court held before a Magistrate may, upon application made by the person who delivered up that article or thing or bird or animal or from whom that article or thing or bird or animal was seized, or any person claiming any right, title or interest in that article or thing or bird or animal, order that the article or thing or bird or animal be returned to that person,

(b) a person is, at any time, so charged and:

(i) is found guilty (whether or not the person is convicted) of the offence, the article or thing or bird or animal shall, unless an order in respect of the article or thing or bird or animal has been made under paragraph (a) or the court hearing the charge, upon an application made at the trial, otherwise orders, be forfeited to the Crown, or

(ii) is found not guilty of the offence, the article or thing or bird or animal shall, unless an order in respect of the article or thing or bird or animal has been made under paragraph (a) or the court hearing the charge, upon an application made at the trial, otherwise orders, be returned to that person, or

(c) an application has not been made in accordance with paragraph (a) or (b), a Local Court held before a Magistrate may, upon application made by a member of the police force or a person authorised in accordance with section 32D (1) order that the article or thing or bird or animal be forfeited to the Crown.

32F Special purposes permits

(1) A special purposes permit under this Act authorises the holder, subject to the regulations and subject to the conditions and limitations of the permit, to engage in or conduct such of the activities prescribed for the purposes of this section as are specified in the permit.

(2) A permit under this section may be granted in respect of land within a State forest, timber reserve or flora reserve.

(3) A permit under this section may be granted and renewed by the commission for such term and on such conditions respectively as the commission thinks fit.

(4) A permit under this section shall not be granted in respect of land within a flora reserve unless the granting of that permit is in accordance with the working plan for the reserve.

32G Offences relating to activities prescribed for the purposes of sec 32F

(1) A person shall not, except in pursuance of a special purposes permit granted under section 32F, engage in or conduct an activity prescribed for the purposes of that section in a State forest, timber reserve or flora reserve. Penalty: 20 penalty units.

(2) In proceedings for an offence arising under this section, the defendant has the onus of proving that the defendant has engaged in or conducted the activity prescribed for the purposes of section 32F in respect of which those proceedings have been brought in pursuance of a special purposes permit granted under that section.

33 Issue of forest leases

(1) The commission may lease, on such conditions as it thinks fit, land within State forests for grazing or any purpose approved by the commission and not opposed to the interests of forestry.

(2) A forest lease:

(a) for a term exceeding six years or for an area exceeding 40 hectares 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 timber licence or products licence 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 timber licence or products licence as may be specified in the lease.

(4) (Repealed)

33A Roads of access--declaration of

(1) The Minister may:

(a) by notification published in the Gazette, declare any road:

(i) constructed on land dedicated as State forest (whether or not the land is declared to be national forest, declared to be special management zone or set apart as flora reserve) or dedicated as flora reserve, and

(ii) described in the notification in such manner as the Minister thinks fit, to be a road of access to land purchased or held under a lease or licence under the Crown Lands Acts if no access is provided to the land by means of a reserved or proclaimed road or track, and

(b) by a like notification revoke wholly or in part any notification published under paragraph (a).

(2) A notification under paragraph (a) or (b) of subsection (1) shall, upon publication thereof, have effect according to its tenor.

(3) Nothing in subsection (1) or (2) or in any notification published thereunder, and no use by the public of any road affected by such a notification, shall operate to affect the status, as State forest, national forest, special management zone or flora reserve, of the land upon which it is constructed and that land shall remain vested in the Crown and shall, subject to subsection (2), remain under the control and management of the commission.

Part 4A – Carbon sequestration rights

33B Definitions

In this Part:

"carbon sequestration right" has the same meaning as it has in section 87A of the *Conveyancing Act 1919*.

"holder", in relation to a carbon sequestration right, means the person who is entitled to exercise (or who in the future may be entitled to exercise) the right.

33C Powers of commission in respect of carbon sequestration rights

The commission may:

- (a) acquire, hold, sell or otherwise deal with or trade in carbon sequestration rights, and
- (b) exercise the powers referred to in section 11 (1) (m3) for the benefit of investors in carbon sequestration rights, and
- (c) provide services in respect of the verification of the quantity of carbon sequestration by any tree or forest.

Part 5 – General and supplemental

34 Licences, permits and forest leases not transferable

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

35 Suspension of licence, permit or lease

If the commission is of opinion that the holder of a licence, permit, forest lease, authorisation under section 30I or other authority issued or granted by the commission under this Act has contravened or failed to comply with any provision or condition contained therein, or contained in this Act or the regulations, or that such licence, permit, lease or authority is not held or used bona fide for the purpose for which it was issued or granted, the commission may suspend the operation of the licence, permit, lease or authority and may, after affording such holder an opportunity to be heard, cancel the same.

35A Removal of unauthorised structures

(1) In this section: **"erect"** includes place. **"structure"** includes:

- (a) a building,
- (b) a tent,
- (c) a post, pile, stake, pipe, chain, wire or any other thing, that is fixed to the soil or to anything fixed to the soil,
- (d) a beehive, and
- (e) a work, object or article prescribed for the purposes of this section.

(2) The commission may cause or authorise a structure erected without lawful authority in a State forest, timber reserve or flora reserve, or a structure erected with lawful authority in a State forest, timber reserve or flora reserve where that authority has expired or been terminated for any reason, to be removed, together with the contents, if any, of the structure.

(3) If a notice requiring any person who claims to have authority to erect, maintain or use a structure erected in a State forest, timber reserve or flora reserve, or any part of the structure, to deliver to the commission a statement in writing signed by that person stating by what authority that person erected or is entitled to maintain or use the structure or part or by what authority that person claims any interest in the structure, is:

- (a) displayed for a period of one month on or adjacent to the structure, or

(b) published in a local newspaper or such other newspaper, if any, as the commission may determine,

any such person who, within one month after the expiration of that period or within one month after publication of that notice, fails to deliver such a statement to the commission shall have no claim against the commission or any other person removing the structure or contents in accordance with subsection (2).

(4) The commission may, at its option, cause or authorise a structure or part thereof or the contents thereof removed in accordance with subsection (2) to be destroyed or sold, or stored (and, if stored, then destroyed or sold), or may sell the structure or contents on condition that it or they be removed, and may recover in any court of competent jurisdiction the expenses incurred in the removal, destruction, sale or storage of the structure or part thereof or the contents thereof from the person who:

(a) erected the structure or caused it to be erected, or

(b) where a notice was displayed under subsection (3) in respect of the structure, has made use of the structure after the expiration of the period of one month for which the notice was so displayed,

or both.

(5) Subsection (4) (b) does not apply in relation to a person unless it is established that the person knew of, or ought reasonably to have known of, the notice.

(6) (Repealed)

35B-36 (Repealed)

36A Control signs

(1) In this section, "**control sign**" means a standard, sign, notice or device in or similar to a form, or generally answering a description, prescribed for the purposes of this section.

(2) The commission may give such a direction prohibiting, regulating or controlling the use or enjoyment of a State forest, timber reserve or flora reserve as, in its opinion, may be necessary or desirable and any such direction may be limited as to time, place or subject-matter.

(3) A direction given pursuant to subsection (2) shall have effect only while there is erected or displayed upon or near the State forest, timber reserve or flora reserve to which the direction relates a control sign that is notice of the direction.

(4) The direction appearing upon, or prescribed as given by, a control sign that is erected or displayed upon or near a State forest, timber reserve or flora reserve with the authority of the commission shall be deemed to be a direction, for the time being in force, given pursuant to subsection (2) in relation to the State forest, timber reserve or flora reserve and the control sign shall, for the purposes of subsection (3), be deemed to be notice of that direction.

(5) A direction given pursuant to subsection (2) may be varied or revoked by the commission.

37 Savings, transitional and other provisions

The Third Schedule has effect.

38 Power to enter land and inspect

(1) Any person authorised by the commission in writing to act under this section may, on producing the person's authority as aforesaid:

(a) enter any land and any buildings thereon, and inspect any timber, products and forest materials thereon or therein,

(a1) enter any Crown-timber lands and thereon carry out measures for the protection from fire of timber and products on the lands,

(b) require any person being the holder of a licence, or working or acting in the management of a licensed sawmill, or taking delivery of or dealing with timber,

products or forest materials, to produce any such licence or any books and records kept by that person so far as they relate to the quantity and description of timber, products and forest materials taken delivery of or dealt with by that person, and to verify the correctness thereof, and may inspect the same and take copies thereof, (c) if the person so authorised reasonably suspects that any person has cut, removed, or otherwise dealt with any timber, products or forest materials contrary to the provisions of this Act or the regulations, seize and detain such books and records, but in such case the person so authorised shall take prompt measures to prosecute any person so suspected, or return the books and records so seized.

(2) Whosoever obstructs any such person in the exercise of any power hereby conferred shall be liable to a penalty not exceeding 20 penalty units.

38A Requirement to state name and address

(1) In this section:

(a) a reference to the driver of a motor vehicle includes a reference to the rider of a motor cycle, and

(b) a reference to a driver licence is a reference to a licence of any kind issued under any Act, or under the regulations made under any Act, to drive or learn to drive a motor vehicle, or to ride or learn to ride a motor cycle.

(2) Any person authorised by the commission in writing to act under this section may require a person whom the person so authorised suspects on reasonable grounds to be offending against this Act or the regulations to state the person's full name and place of abode.

(3) Any person authorised in accordance with subsection (2) may require the driver of a motor vehicle in a State forest, timber reserve or flora reserve to produce any driver licence which the driver is, by any Act, or the regulations made under any Act, required to hold and to state the person's full name and place of abode.

(4) A person shall not:

(a) fail or refuse to comply with a requirement under subsection (2) or (3), or

(b) in purported compliance with such a requirement, state a name that is not the person's name or a place of abode that is not the person's place of abode.

Penalty for an offence against this section: 20 penalty units.

38B Requirement for owner of motor vehicle and others to give information

(1) In this section, a reference to the driver of a motor vehicle includes a reference to the rider of a motor cycle.

(2) Where the driver of a motor vehicle is alleged to be guilty of an offence against this Act or the regulations, any person authorised by the commission in writing to act under this section may:

(a) require the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, to give forthwith information (which shall, if so required, be given in the form of a statement in writing, signed by that owner or person) as to the name and place of abode of the driver of the motor vehicle at the time of the offence, or

(b) require any other person to give any information which it is in that person's power to give and which may lead to the identification of the driver of the motor vehicle at the time of the offence.

(3) A person shall not:

(a) fail or refuse to comply with a requirement under subsection (2), or

(b) in purported compliance with such a requirement, give any information that is false or misleading in a material particular.

Penalty: 20 penalty units.

(4) In prosecution for an offence in respect of a failure or refusal to comply with a requirement under subsection (2) (a), it is a defence if the defendant satisfies the court

that the defendant did not know and could not with reasonable diligence have ascertained the name or place of abode of the driver concerned, or both, as the case may require.

(5) Where a statement in writing purporting to be furnished under subsection (2) (a) and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act or the regulations is produced in any court in proceedings for the offence against the person named therein as the driver, the statement shall, if that person does not appear before the court, be evidence without proof of signature that that person was the driver of the vehicle at that time.

38C Liability of vehicle owners for parking offences

(1) In this section: "**owner**" of a motor vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 2005*. "**parking offence**" means the offence committed by a person who, in contravention of the regulations:

(a) parks a motor vehicle, or

(b) causes or permits a motor vehicle to be parked or to stand or wait.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the motor vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulations relating to the parking offence in all respects as if the person were the actual offender guilty of the parking offence unless:

(a) in any case where the parking offence is dealt with under section 46A, the owner satisfies the authorised person referred to in that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used, or

(b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a motor vehicle is, by virtue of this section, guilty of an offence if:

(a) in any case where the offence is dealt with under section 46A, the person:

(i) within 21 days after service on the person of a notice under that section alleging that the person has been guilty of that offence, supplies by statutory declaration to the authorised person referred to in that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

(ii) satisfies the authorised person so referred to that the person does not know, and cannot with reasonable diligence ascertain, that name and address, or

(b) in any other case, the person:

(i) within 21 days after service on the person of a summons in respect of that offence supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

(ii) satisfies the court that the person did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

(6) Where a statutory declaration supplying the name and address of a person for the purposes of subsection (4) is produced in any proceedings against the person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is

prima facie evidence that the person was, at all relevant times relating to that parking offence, in charge of the motor vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or any regulation, by-law or ordinance under any other Act.

39 Recovery of royalties and rents

(1) All royalties and rents imposed by or under this Act or the regulations may be recovered by the commission in any court of competent jurisdiction as a debt due to the Crown.

(2) (Repealed)

40 Reviews of certain decisions under Act by Administrative Decisions Tribunal

(1) A person may apply to the Administrative Decisions Tribunal for a review of any of the following decisions:

(a) a decision of the commission refusing to issue the person with a sawmill licence under section 28 (3),

(b) a decision of the commission refusing to grant or renew a hunting licence to the person under section 32B (3),

(c) a decision of the commission refusing to grant or renew a special purposes permit to the person under section 32F (3),

(d) a decision of the commission under section 35 to suspend or cancel any licence or permit of the person referred to in the preceding paragraphs,

(e) a decision made under the regulations that belongs to a class of decisions prescribed by the regulations for the purposes of this paragraph.

(2) Despite subsection (1), a regulation referred to in subsection (1) (e) may limit the class of persons who may make an application for a review of a decision referred to in that paragraph.

(3) A regulation referred to in subsection (1) (e) cannot be made without the concurrence of the Minister administering the *Administrative Decisions Tribunal Act 1997*.

41 Regulations

(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular:

(a) regulating the manner of applying for, and issuing, granting, transferring, suspending and cancelling, and the forms of leases, licences, and permits under this Act,

(b) prescribing the fees, charges, rents, and the minimum royalties payable under this Act; providing for exemptions from the payment of royalty, and the calculation of royalty and the measurement of timber, products and forest materials for that purpose,

(ba) (Repealed)

(c) providing for the payment and collection of royalty and prescribing the persons by whom royalty shall be paid, and the manner of such payment,

(d) prescribing the periods for which and the conditions under which such leases, licences, and permits may be issued and granted, and the powers thereby conferred may be exercised,

(e) regulating the exercise of the powers conferred by any lease, licence, or permit and any matters incidental thereto, including the protection and preservation of timber, products and forest materials, and regulating (whether or not by the issue of licences) 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,

(e1) (Repealed)

(f) regulating the inspection, branding, marking, and certification of timber and products, and the fees to be charged for the same; and providing penalties for falsely applying or counterfeiting or for defacing the prescribed or registered brands or marks, and for counterfeiting or defacing certificates authorised to be granted under this Act or the regulations,

(g) providing for the establishment of depots where timber and products shall be deposited for inspection, branding, and measurement; for the regulation and management of such depots, and the detention therein of timber or products until the royalty thereon is paid,

(h) regulating and controlling the storing of any timber on any public wharf, road, depot, or place,

(i) prohibiting the making of any instrument which might be used for counterfeiting the brands or marks placed on timber by officers or persons under the control of the commission,

(j) prohibiting any person from having in the person's possession, disposing of, or using any instrument used by any such officer for placing brands or marks on timber, or so closely resembling the same as to be calculated to deceive,

(k) prescribing the kinds, sizes, and quantities of timber or products which may be cut or removed; and prohibiting the removal of timber unless branded or marked as prescribed,

(l) prescribing the books and records to be kept and the returns to be made by persons working or acting in the management of sawmills or taking delivery of timber, products or forest materials,

(m) providing for the making of declarations or statements as to the quantity and description of timber, products and forest materials obtained, taken delivery of, held, removed, hewn, sawn, or otherwise treated, or transported or consigned by road, rail, or water, and as to the place where any timber, products and forest materials were obtained, and as to the place to which they are consigned, and prescribing the time within which such declarations or statements shall be made; and imposing penalties for refusing to make any such declarations or statements, or for making untrue declarations or statements,

(n) prescribing the fees or deposits to be paid with any application made under this Act or the regulations, and the forms to be used in carrying out this Act and the regulations,

(n1) regulating the use and enjoyment of State forests, timber reserves and flora reserves,

(n2) prohibiting or regulating the entry of persons into and providing for the safety of persons in State forests, timber reserves and flora reserves,

(n3) regulating or controlling camping or residence in State forests, timber reserves and flora reserves and the making, collecting and receiving of charges therefor or prohibiting camping or residence in State forests, timber reserves and flora reserves,

(n4) securing decency and order in State forests, timber reserves and flora reserves,

(n5) providing for the removal of trespassers and other persons causing annoyance or inconvenience in State forests, timber reserves and flora reserves,

(n6) prohibiting or regulating the taking of intoxicants into, and the consumption thereof in, State forests, timber reserves and flora reserves,

(n7) providing for the reservation of any portion of a State forest, timber reserve or flora reserve for separate or exclusive use in such circumstances as the regulations may prescribe,

(o) prescribing the conditions under which fires may or may not be lighted or used in State forests, flora reserves, and timber reserves, regulating or prohibiting the carrying or use of wax matches, or the use of traction engines therein; and generally for the protection of State forests, flora reserves, and timber reserves from damage by fire,

(o1), (p) (Repealed)

(p1) prohibiting or regulating the taking of animals on or into State forests, timber reserves and flora reserves, providing for the care and protection of animals in State forests, timber reserves and flora reserves, prescribing the conditions on which animals may be permitted or suffered to be on or in State forests, timber reserves and flora reserves and regulating the removal of animals from State forests, timber reserves and flora reserves,

(p2) prohibiting or regulating the entry of vehicles into and the use of vehicles in State forests, timber reserves and flora reserves,

(p3) regulating and controlling the parking of vehicles in State forests, timber reserves and flora reserves and providing for the making, collecting and receiving of charges therefor,

(p4) prescribing the speed and load limits of vehicles in State forests, timber reserves and flora reserves,

(p5) regulating, controlling or prohibiting the use of roads, tracks, trails and other ways in State forests, timber reserves and flora reserves and the circumstances under which roads, tracks, trails and other ways therein shall be open or may be closed to public traffic or use,

(p6) prohibiting the obstruction of roads, tracks, trails and other ways in State forests, timber reserves and flora reserves and controlling and regulating the use of gates in State forests, timber reserves and flora reserves or on the boundaries thereof,

(p7) prohibiting the damaging or destruction of trees and other vegetation, standards, signs, notices, devices, buildings, roads, fences, dams, lookout towers and other improvements, structures and installations and the plant and equipment of the commission, its lessees, licensees and permittees,

(p8) with respect to a control sign within the meaning of section 36A:

(i) prohibiting, regulating or controlling the use or enjoyment of a State forest, timber reserve or flora reserve by means of a control sign,

(ii) prescribing the form or description of control signs,

(iii) providing for the interpretation of words, figures, symbols or abbreviations appearing on a control sign,

(iv) specifying or otherwise providing for the direction represented by a standard, sign, notice or device comprising, or partly comprising, a control sign,

(v) providing for the observance of a direction appearing on, or prescribed as being represented by, a control sign,

(q) providing for the organisation of a system of education and training in scientific forestry,

(r) providing for the collection of forestry statistics,

(s) regulating the commission in the exercise of its powers or discharge of its duties under this Act,

(t) (Repealed)

(u) controlling officers and others under the control of the commission,

(v) providing for the management and control of flora reserves and for all matters relating to such reserves.

(1A) The regulations may impose a penalty not exceeding 20 penalty units for:

- (a) an offence against the regulations,
 - (b) a failure to comply with a direction given pursuant to section 36A (2), or
 - (c) a failure to comply with a provision or condition contained in a lease, licence, permit or other authority issued or granted in pursuance of this Act.
- (2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.
- (3) The regulations may authorise any matter or thing to be from time to time determined, applied or regulated by any person specified therein, either generally or for any class of cases or in a particular case.

42 (Repealed)

43 Seizure and forfeiture of timber, products and forest materials

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

- (a) may stop and detain any timber, products or forest materials within the boundaries of a State forest, a timber reserve or flora reserve, or upon any Crown lands, or on any public highway or public place,
- (b) if the member or person has reason to believe that any timber, products or forest materials have been cut, removed, or otherwise dealt with contrary to the provisions of this Act or the regulations, or have been abandoned, may enter any land and any buildings thereon and seize such timber, products and forest materials and any article or thing that the member or person has reason to believe has been used to so cut, remove or otherwise deal with that timber or those products or forest materials, and place a distinctive mark on any such timber or products, and
- (c) if the member or person has reason to believe that any timber, products or forest materials have been cut, removed, or otherwise dealt with contrary to the provisions of this Act, or the regulations, may direct any person in possession of that timber or those products or forest materials to forthwith deliver the timber, products or forest materials to a specified place and may, on that delivery, seize that timber or those products or forest materials.

(1A) A person shall not fail to comply with a reasonable direction given under subsection (1) (c) or obstruct, hinder, prevent or interfere with a member of the police force or, on production of his or her authority, a person authorised in accordance with subsection (1) in the exercise or performance of any power, authority, duty or function conferred or imposed by this section on the person. Penalty: 20 penalty units.

(2) Where property is seized under subsection (1) (b), the person making the seizure shall:

- (a) where the identity of the person in possession of, or reasonably believed to be the person who has cut, removed or otherwise dealt with the timber, products or forest materials contrary to the provisions of this Act or the regulations, is known to the person making the seizure, the person making the seizure shall inform that other person of the seizure unless the whereabouts of that person cannot with reasonable diligence be ascertained, and
- (b) whether or not the identity of the person in possession of, or reasonably believed to be the person who has cut, removed or otherwise dealt with the timber, products or forest materials contrary to the provisions of this Act or the regulations, is known to the person making the seizure, the person making the seizure shall affix a notice of the seizure:
 - (i) on the property so seized, and
 - (ii) at the Local Court nearest to the place of the seizure.

(2A) Where any property seized under subsection (1) (b) is perishable, the commission may forthwith dispose of that property, by sale or otherwise.

(2B) The proceeds of any sale under subsection (2A) shall be paid into an account referred to in section 12.

(2C) The payment to a person by the commission of an amount equal to the proceeds of the sale of any property under subsection (2A) operates as a discharge of any obligation to deliver up that property to that person and such a payment in discharge of any such obligation imposed by an order of a court under subsection (2D) in relation to that property is hereby authorised.

(2D) Where property is seized under subsection (1) (b) or (c) and:

(a) a person is not, within a period of 30 days after the seizure, charged with an offence under this Act or any other Act, or the regulations, in respect of that property, a Local Court held before a Magistrate may, upon application made by the person from whom that property was seized, or any person claiming any right, title or interest in that property, order that property be returned to that person,

(b) a person is, at any time, so charged and:

(i) is found guilty (whether or not the person is convicted) of the offence, that property shall, unless an order in respect of that property has been made under paragraph (a) or the court hearing the charge, upon an application made at the trial, otherwise orders, be forfeited to the Crown, or

(ii) is found not guilty of the offence, that property shall, unless an order in respect of that property has been made under paragraph (a) or the court hearing the charge, upon an application made at the trial, otherwise orders, be returned to that person, or

(c) an application has not been made in accordance with paragraph (a) or (b), a Local Court held before a Magistrate may, upon application made by a member of the police force or a person authorised in accordance with subsection (1), order that that property be forfeited to the Crown.

(3) Any timber, products or forest materials or any article or thing forfeited in pursuance of this Act may be sold or otherwise disposed of as the commission may direct, and the proceeds of any such sale shall be paid into an account referred to in section 12.

44 Penalties for offences against officers etc

(1) Whosoever:

(a) offers violence to or assaults, threatens, or attempts to intimidate any officer or other person under the control of the commission while such officer or person is acting in the exercise of the officer's or person's powers or the discharge of the officer's or person's duties under this Act or the regulations, or

(b) gives or agrees to give or offers to any such officer or person any gift or consideration as an inducement or reward for any act done or to be done or any forbearance observed or to be observed or any favour shown or to be shown by such officer or person in or in relation to the exercise of such powers or the discharge of such duties as aforesaid,

shall be liable to a penalty not exceeding 50 penalty units or to imprisonment for a period not exceeding 6 months, or both.

(2) A gift or consideration shall be deemed to be given as an inducement or reward if the receipt or any expectation thereof would be in any way likely to influence the officer to do or leave undone something contrary to the officer's duty.

45 False entries or returns

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, or omits to make, in any such book, return, declaration or statement, any entry or writing of any material particular, or omits to keep or make any such book, return, declaration or statement, shall be liable to a penalty not exceeding 20 penalty units.

45A Evidence of maps or plans

(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.

45B Certain allegations in informations

(1) An allegation, in an information in respect of an offence under this Act or the regulations, that any lands in question form part of a State forest, timber reserve or flora reserve or otherwise comprise Crown-timber lands shall be sufficient without proof of the matter so alleged unless the defendant proves to the contrary.

(2) An allegation, in an information in respect of an offence under this Act or the regulations, that a standard, sign, notice or device was erected or displayed with the authority of the commission, or that a standard, sign, notice or device was erected, displayed, interfered with, altered or removed without the authority of the commission, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

46 Recovery of penalties etc

(1) Proceedings in respect of an offence or forfeiture under this Act or the regulations and proceedings for the recovery or enforcement of a penalty, fine or fee imposed or made payable by a licence or permit under this Act or by a lease of land within a State forest, timber reserve or flora reserve may be taken in a summary manner before a Local Court constituted by a Magistrate sitting alone.

(2) Any such proceedings may be commenced within 12 months after the time when the matter giving rise to those proceedings occurred.

46A Penalty notices for certain offences

(1) In this section: "**authorised person**" means an officer of the Public Service employed in the administration of this Act and appointed by the commission to be an authorised person for the purposes of this section, or an employee of the commission so appointed. "**owner**", in relation to a motor vehicle, has the meaning ascribed thereto in section 38C. "**parking offence**" has the meaning ascribed thereto in section 38C. "**royalty**", in relation to a notice under subsection (2), means the amount, if any, referred to in subsection (2) (d) and specified in the notice.

(2) Where it appears to an authorised person that another person:

(a) has committed, or by virtue of section 38C is guilty of, a parking offence, or

(b) has committed any prescribed offence under this Act or the regulations,

the authorised person may serve a notice on that other person to the effect that, if that other person does not desire to have the matter determined by a court he may, within a time specified in the notice, pay to the commission:

(c) the amount of penalty prescribed for the offence if dealt with under this section, and

(d) where the commission has certified an amount under subsection (3), the amount so certified.

(3) Where it appears to an authorised person that another person has committed an

offence referred to in subsection (2) (b) involving the taking or destruction of any timber, products or forest materials, the commission may certify to that authorised person the amount that it determines would have been payable by way of royalty if the timber, products or forest materials had been taken in pursuance of a timber licence, products licence or forest materials licence.

(4) A notice under subsection (2):

(a) may be served personally or by post, or

(b) where the notice relates to a parking offence, may be addressed to the owner of the vehicle to which the parking offence relates without naming the person or stating the person's address and may be served by leaving it on or attaching it to, the vehicle.

(5) (Repealed)

(6) Where the penalty for an offence dealt with under this section and any royalty is or are paid pursuant to this section in respect of an alleged offence:

(a) no person may be proceeded against for the alleged offence,

(b) no person may be proceeded against for recovery of the royalty, and

(c) the payment shall not be construed as an admission of liability for the purpose of, nor, except as provided in paragraph (b), in any way affect or prejudice, any civil claim, action or proceeding arising out of the facts constituting the alleged offence.

(7) The penalty prescribed for an offence dealt with under this section shall not exceed the maximum penalty that might be imposed by a court if the offence were dealt with otherwise than under this section.

(8) Section 30E applies in respect of any royalty paid to the commission under this section as if it were a royalty paid to the commission under section 30A.

(9) Subsection (8) does not require the commission, in respect of any royalty paid to it under this section, to make a payment out of the royalty to the person by whom the royalty was paid.

(10) This section shall be construed as supplementing, and not as derogating from, any other Act in relation to proceedings that may be taken in respect of offences.

(11) Nothing in section 30H or 39 prevents the recovery of any royalty pursuant to this section.

See also Part 3 of the *Fines Act 1996*.

47 Penalties to be in addition to fines under licences or permits

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

48 Compensation

(1) In this section, a reference to the conviction of a person includes a reference to the making of an order in respect of a person under section 10 of the *Crimes (Sentencing Procedure) Act 1999*.

(2) Where a person is convicted of an offence under this Act or the regulations whereby the commission incurs any charge, cost or expense or which results in or causes loss of or damage to:

(a) any Crown-timber lands or any road, improvement or structure thereon, under the control of or the property of the commission, or

(b) any other property of the commission,

the Magistrate before whom the person was convicted:

(c) shall, where the offence in respect of which the person was convicted involved

the taking or destruction of any timber, products or forest materials and the commission has certified the amount that it determines would have been payable by way of royalty if the timber, products or forest materials had been taken in pursuance of a timber licence, products licence or forest materials licence, order payment by that person to the commission of that amount, and
(d) may order payment by that person to the commission of such other amount as the person thinks fit by way of compensation for any other charge, cost, expense, loss or damage.

(3) Except as provided in subsection (4), an order under subsection (2) (c) or (d) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the *Justices Act 1902*.

(4) The maximum period for which a person shall be imprisoned and kept in default of payment of a sum ordered to be paid under subsection (2) (c) or (d) or the aggregate of any such sums so ordered to be paid is 4 months.

(5) If an amount is ordered to be paid to the commission under subsection (2) (c), section 30E applies in respect of an amount paid pursuant to the order as if it were a royalty paid to the commission under section 30A.

(6) Subsection (5) does not require the commission, in respect of an amount paid as ordered under subsection (2) (c), to make a payment out of the amount to the person by whom the amount was paid.

First Schedule

(Sections 4, 18, 22, 25A, 27E, 27H and 30A)

Conditional Lease, Conditional Purchase Lease, Special Conditional Purchase Lease, Settlement Lease, Crown-lease, Residential Lease, Special Lease, Annual Lease, Occupation Licence, Preferential Occupation Licence, Permissive Occupancy, Western Lands Lease, Special Western Lands Lease, Prickly-pear Lease, lease or licence granted under the *Crown Lands Act 1989*, whether or not the land the subject of any such lease has been brought under the provisions of the *Real Property Act 1900*.

Second Schedule

(Section 30J)

Conditional Lease, Conditional Purchase Lease, Special Conditional Purchase Lease, Settlement Lease, Crown-lease, Residential Lease, Special Lease, Western Lands Lease, Special Western Lands Lease, Prickly-pear Lease and a lease granted under the *Crown Lands Act 1989*, whether or not the land the subject of any such lease has been brought under the provisions of the *Real Property Act 1900*.

Third Schedule Savings, transitional and other provisions

(Section 37)

1 Forestry (Amendment) Act 1924

(1) The powers, duties and authorities of the dissolved body corporate are vested in the corporation sole.

(2) All real and personal property vested in the dissolved body corporate immediately before 8 April 1925 is transferred and vested in the corporation sole, subject to any trusts

or equities affecting the property.

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

(4) A reference in any other Act, in any instrument made under any Act or in any document, to the dissolved body corporate is taken to be a reference to the corporation sole.

(5) This clause is taken to have commenced on 8 April 1925 (the date of commencement of the amending Act).

(6) Subclauses (1)-(4) re-enact (with minor modifications) section 5 (1)-(4) of the amending Act. Subclauses (1)-(4) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

(7) In this clause: "**amending Act**" means the *Forestry (Amendment) Act 1924*. "**corporation sole**" means the corporation sole constituted under section 7. "**dissolved body corporate**" means the body corporate dissolved by the amending Act.

2 Forestry (Amendment) Act 1978

(1) A licence that confers authority with respect to the ringbarking or other killing or destruction of trees granted under a provision of this Act repealed by the amending Act, being a licence in force immediately before the date of repeal, is taken to be a clearing licence under section 27G.

(2) A permit granted under a provision of this Act repealed by the amending Act, being a permit in force immediately before the date of repeal, is taken to be:

(a) where the permit confers authority to graze and water animals--a grazing permit under section 31 (1), or

(b) where the permit confers authority to occupy land--an occupation permit under section 31 (1A).

(3) This clause is taken to have commenced on 1 July 1983 (the date of commencement of the amending Act).

(4) Subclauses (1) and (2) re-enact (with minor modifications) section 5 of the amending Act. Subclauses (1) and (2) are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

(5) In this clause: "**amending Act**" means the *Forestry (Amendment) Act 1978*.

3 Miscellaneous Acts (Crown Lands) Amendment Act 1989

A declaration under section 33A, in force immediately before the commencement of the *Miscellaneous Acts (Crown Lands) Amendment Act 1989*, that a road is a road of access for the purposes of section 279 of the *Crown Lands Consolidation Act 1913* is, on that commencement, deemed to be a declaration that the road is a road of access for the purposes of section 33A.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
ClI	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

See also *School Forest Areas Act 1936*; *Soil Conservation Act 1938*; *National Parks and Wildlife*

Act 1974 and Rural Fires Act 1997.

Table of amending instruments *Forestry Act 1916 No 55*. Assented to 11.10.1916. Date of commencement, 1.11.1916, sec 1. This Act has been amended as follows:

192 4	No 67	<i>Forestry (Amendment) Act 1924</i> . Assented to 23.12.1924. Date of commencement, 8.4.1925, sec 1 (2) and GG No 48 of 7.4.1925, p 1756.
193 3	No 7	<i>Forestry (Amendment) Act 1933</i> . Assented to 13.9.1933.
193 5	No 35	<i>Forestry (Amendment) Act 1935</i> . Assented to 11.4.1935. Date of commencement, 1.8.1935, sec 1 (4) and GG No 139 of 31.7.1935, p 3175.
193 7	No 35	<i>Statute Law Revision Act 1937</i> . Assented to 23.12.1937.
193 8	No 10	<i>Soil Conservation Act 1938</i> . Assented to 13.10.1938. Date of commencement, 28.10.1938, sec 1 (2) and GG No 158 of 28.10.1938, p 4213.
194 6	No 39	<i>Forestry (Amendment) Act 1946</i> . Assented to 21.5.1946.
194 9	No 8	<i>Conservation Authority of New South Wales Act 1949</i> . Assented to 12.5.1949. Date of commencement, 1.6.1949, sec 1 (2) and GG No 86 of 27.5.1949, p 1470.
195 1	No 14	<i>Forestry (Amendment) Act 1951</i> . Assented to 27.6.1951.
195 5	No 28	<i>Petroleum Act 1955</i> . Assented to 3.5.1955. Date of commencement of Sch, 3.1.1956, sec 1 (2) (b) and GG No 139 of 2.12.1955, p 3548.
195 7	No 30	<i>Crown Lands (Amendment) Act 1957</i> . Assented to 4.5.1957.
196 4	No 7	<i>Crown Lands (Amendment) Act 1964</i> . Assented to 23.3.1964.
196 5	No 33	<i>Decimal Currency Act 1965</i> . Assented to 20.12.1965. Date of commencement of sec 4, 14.2.1966, secs 1 (3), 2 (1) and the <i>Currency Act 1965 (Commonwealth)</i> , sec 2 (2).
196 9	No 20	<i>Forestry (Amendment) Act 1969</i> . Assented to 2.4.1969. Date of commencement of sec 3 (1), 30.6.1970, sec 3 (2) and GG No 80 of 26.6.1970, p 2564.
197 2	No 26	<i>Forestry, Soil Conservation and Other Acts (Amendment) Act 1972</i> . Assented to 11.4.1972. Date of commencement of secs 2-5, 1.6.1972, sec 1 (2) and GG No 56 of 26.5.1972, p 1984.
	No 48	<i>Reprints Act 1972</i> . Assented to 9.10.1972.
	No 61	<i>Forestry, Conservation Authority of New South Wales and Other Acts (Amendment) Act 1972</i> . Assented to 13.11.1972. Date of commencement, except sec 7, 1.2.1973, sec 2 (1) and GG No 16 of 26.1.1973, p 269; date of commencement of sec 7, 1.6.1972, sec 2 (2).
197 3	No 81	<i>Coal Mining Act 1973</i> . Assented to 20.12.1973. Date of commencement of Fourth Sch, 29.3.1974, sec 1 (2) and GG No 36 of 29.3.1974, p 1118.
197 4	No 51	<i>Metric Conversion Act 1974</i> . Assented to 6.5.1974. Date of commencement of Sch, Items 541-553, 1.7.1974, sec 4 (2) (b) and GG No 79 of 28.6.1974, p 2500.
197 6	No 4	<i>Statutory and Other Offices Remuneration Act 1975 (1976 No 4)</i> . Assented to 7.1.1976. Date of commencement of Sch 5, 2.2.1976, sec 2 (2) and GG No 15 of 30.1.1976, p 398.
197 8	No 10 1	<i>Forestry (Amendment) Act 1978</i> . Assented to 20.12.1978. Date of commencement of sec 6, 1.2.1973, sec 2 (4); date of commencement of Sch 1, Sch 2 (3) (e) (f) (j)-(l) (4) (5) (a), Sch 4, Sch 5, Sch 6 (1) (3) (4) and Sch 7 (1) (2) (5) (a) (b) (7) (9) (b)-(e) (g) (14)-(16), 1.7.1983, sec 2 (3) and GG No 57 of 8.4.1983, p 1557. Amended by <i>Statute Law (Miscellaneous Amendments) Act 1984 No 153</i> .
198	No	<i>Miscellaneous Acts (Retirement of Statutory Officers) Amendment Act 1980</i> . Assented

0	18 7	to 17.12.1980.
	No 19 6	<i>Miscellaneous Acts (Crown Land Titles) Amendment Act 1980</i> . Assented to 22.12.1980. Date of commencement of Sch 1 (except as provided in sec 2 (4)-(6)), 1.10.1981, sec 2 (3) and GG No 141 of 25.9.1981, p 5107.
198 1	No 30	<i>Forestry (Amendment) Act 1981</i> . Assented to 14.5.1981.
198 2	No 15 3	<i>Forestry (Abandoned Vehicles) Amendment Act 1982</i> . Assented to 21.12.1982.
198 3	No 15 3	<i>Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983</i> . Assented to 29.12.1983. Date of commencement of Sch 1, 6.1.1984, sec 2 (2) and GG No 4 of 6.1.1984, p 19.
198 4	No 14 5	<i>Forestry (Amendment) Act 1984</i> . Assented to 4.12.1984. Date of commencement of Sch 1, 1.1.1985, sec 2 (2).
	No 15 3	<i>Statute Law (Miscellaneous Amendments) Act 1984</i> . Assented to 10.12.1984.
198 5	No 13 4	<i>Forestry (Clearing Licences) Amendment Act 1985</i> . Assented to 25.11.1985. Date of commencement of Sch 1, 11.4.1986, sec 2 (2) and GG No 60 of 11.4.1986, p 1622.
	No 23 1	<i>Statute Law (Miscellaneous Provisions) Act 1985</i> . Assented to 18.12.1985.
198 6	No 16	<i>Statute Law (Miscellaneous Provisions) Act 1986</i> . Assented to 1.5.1986.
	No 20 5	<i>Miscellaneous Acts (Water Administration) Amendment Act 1986</i> . Assented to 18.12.1986. Date of commencement of Sch 2, 1.1.1987, sec 2 (2) and GG No 195 of 19.12.1986, p 6267.
	No 21 8	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1986</i> . Assented to 23.12.1986.
198 7	No 48	<i>Statute Law (Miscellaneous Provisions) Act (No 1) 1987</i> . Assented to 28.5.1987. Date of commencement of Sch 32, except as provided by sec 2 (13), 1.9.1987, sec 2 (12) and GG No 136 of 28.8.1987, p 4809.
	No 20 9	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1987</i> . Assented to 9.12.1987. Date of commencement of Sch 15, assent, sec 2 (1).
	No 24 4	<i>Forestry (Forestry Rights) Amendment Act 1987</i> . Assented to 16.12.1987. Date of commencement, 1.3.1988, sec 2 and GG No 41 of 26.2.1988, p 1149.
198 8	No 22	<i>Forestry (Amendment) Act 1988</i> . Assented to 30.6.1988. Date of commencement, 1.7.1988, sec 2.
	No 34	<i>Miscellaneous Acts (Public Sector Management) Amendment Act 1988</i> . Assented to 6.7.1988. Date of commencement, 2.9.1988, sec 2 and GG No 140 of 2.9.1988, p 4556.
	No 92	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1988</i> . Assented to 19.12.1988. Date of commencement of Sch 9, 1.8.1989, sec 2 (3) and GG No 83 of 14.7.1989, p 4201.
198 9	No 9	<i>Miscellaneous Acts (Crown Lands) Amendment Act 1989</i> . Assented to 21.3.1989. Date of commencement, 1.5.1990, sec 2 and GG No 51 of 20.4.1990, p 3197.
	No	<i>Miscellaneous Acts (Public Sector Executives Employment) Amendment Act 1989</i> .

	10 5	Assented to, 15.8.1989. Date of commencement of amendments relating to <i>Forestry Act 1916</i> , 1.10.1989, sec 2 and GG No 98 of 29.9.1989, p 7742.
	No 11 1	<i>Forestry (Amendment) Act 1989</i> . Assented to 24.8.1989. Date of commencement, 24.11.1989, sec 2 and GG No 114 of 24.11.1989, p 9921.
	No 23 6	<i>Soil Conservation (Amendment) Act 1989</i> . Assented to 21.12.1989. Date of commencement, 9.2.1990, sec 2 and GG No 18 of 2.2.1990, p 811.
199 1	No 17	<i>Statute Law (Miscellaneous Provisions) Act 1991</i> . Assented to 3.5.1991. Date of commencement of the provisions of Sch 1 relating to the <i>Forestry Act 1916</i> , assent, sec 2.
199 2	No 29	<i>Mining Act 1992</i> . Assented to 18.5.1992. Date of commencement, 21.8.1992, sec 2 and GG No 101 of 20.8.1992, p 5905.
	No 57	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1992</i> . Assented to 8.10.1992. Date of commencement of the provisions of Sch 1 relating to the <i>Forestry Act 1916</i> , assent, Sch 1.
199 3	No 31	<i>Impounding Act 1993</i> . Assented to 8.6.1993. Date of commencement, 1.7.1993, sec 2 and GG No 73 of 1.7.1993, p 3343.
199 4	No 41	<i>Irrigation Corporations Act 1994</i> . Assented to 2.6.1994. Date of commencement of the provisions of Sch 3 relating to the <i>Forestry Act 1916</i> , 1.7.1996, sec 2 (1) and GG No 77 of 28.6.1996, p 3283.
	No 45	<i>Native Title (New South Wales) Act 1994</i> . Assented to 2.6.1994. Date of commencement of the provision of Sch 1 relating to the <i>Forestry Act 1916</i> , 28.11.1994, sec 2 and GG No 156 of 25.11.1994, p 6868.
199 5	No 11	<i>Statute Law Revision (Local Government) Act 1995</i> . Assented to 9.6.1995. Date of commencement of Sch 1.50, 23.6.1995, sec 2 (1) and GG No 77 of 23.6.1995, p 3279.
	No 16	<i>Statute Law (Miscellaneous Provisions) Act 1995</i> . Assented to 15.6.1995. Date of commencement of Sch 3, assent, sec 2.
	No 92	<i>Timber Plantations (Harvest Guarantee) Act 1995</i> . Assented to 21.12.1995. Date of commencement, 14.7.1997, sec 2 and GG No 77 of 11.7.1997, p 5410.
199 6	No 24	<i>Financial Institutions (Miscellaneous Amendments) Act 1996</i> . Assented to 21.6.1996. Date of commencement, 12.7.1996, sec 2 and GG No 84 of 12.7.1996, p 3984.
199 7	No 65	<i>Rural Fires Act 1997</i> . Assented to 10.7.1997. Date of commencement, 1.9.1997, sec 2 and GG No 95 of 29.8.1997, p 6644.
	No 11 9	<i>Road Transport (Vehicle Registration) Act 1997</i> . Assented to 9.12.1997. Date of commencement of Sch 2.8, 29.6.1998, sec 2 and GG No 97 of 26.6.1998, p 4429. Amended by <i>Road Transport (Vehicle Registration) Amendment Act 1998 No 26</i> . Assented to 3.6.1998. Date of commencement of Sch 1, 29.6.1998, sec 2 and GG No 97 of 26.6.1998, p 4428.
	No 13 3	<i>Native Vegetation Conservation Act 1997</i> . Assented to 16.12.1997. Date of commencement, 1.1.1998, sec 2 and GG No 149 of 19.12.1997, p 10095.
199 8	No 5	<i>Petroleum (Onshore) Amendment Act 1998</i> . Assented to 5.5.1998. Date of commencement, 5.3.1999, sec 2 and GG No 27 of 5.3.1999, p 1548 (see also erratum in GG No 29 of 5.3.1999, p 1859).
	No 48	<i>Administrative Decisions Tribunal Legislation Amendment Act 1998</i> . Assented to 29.6.1998. Date of commencement of Sch 2.8, 1.3.1999, sec 2 and GG No 25 of 26.2.1999, p 970.
	No 99	<i>Road Transport (Driver Licensing) Act 1998</i> . Assented to 26.10.1998. Date of commencement of Sch 1, 1.3.1999, sec 2 and GG No 25 of 26.2.1999, p 979.
	No	<i>Carbon Rights Legislation Amendment Act 1998</i> . Assented to 26.11.1998. Date of

	12 4	commencement, 5.3.1999, sec 2 and GG No 27 of 5.3.1999, p 1545.
	No 14 3	<i>Rural Lands Protection Act 1998</i> . Assented to 8.12.1998. Date of commencement of Sch 6, 28.9.2001, sec 2 and GG No 146 of 28.9.2001, p 8183.
	No 16 3	<i>Forestry and National Park Estate Act 1998</i> . Assented to 14.12.1998. Date of commencement of Sch 8, 1.1.1999, sec 2 (1) and GG No 176 of 18.12.1998, p 9721.
199 9	No 19	<i>Road Transport Legislation Amendment Act 1999</i> . Assented to 1.7.1999. Date of commencement of Sch 2, 1.12.1999, sec 2 (1) and GG No 133 of 26.11.1999, p 10863.
	No 31	<i>Statute Law (Miscellaneous Provisions) Act 1999</i> . Assented to 7.7.1999. Date of commencement of Sch 3.7, assent, sec 2 (2); date of commencement of Schs 4 and 5, assent, sec 2 (1).
	No 85	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1999</i> . Assented to 3.12.1999. Date of commencement of Sch 3, assent, sec 2 (1).
	No 94	<i>Crimes Legislation Amendment (Sentencing) Act 1999</i> . Assented to 8.12.1999. Date of commencement of Sch 4.26, 3.4.2000, sec 2 (1) and GG No 42 of 31.3.2000, p 2487.
	No 96	<i>Natural Resources Legislation Amendment (Rural Environmental Services) Act 1999</i> . Assented to 8.12.1999. Date of commencement of Sch 2, 1.1.2000, sec 2 and GG No 144 of 24.12.1999, p 12187.
	No 97	<i>Plantations and Reafforestation Act 1999</i> . Assented to 8.12.1999. Date of commencement, 14.12.2001, sec 2 and GG No 190 of 14.12.2001, p 9834.
200 0	No 53	<i>Statute Law (Miscellaneous Provisions) Act 2000</i> . Assented to 29.6.2000. Date of commencement of Sch 1.9, assent, sec 2 (2).
200 1	No 10	<i>Nature Conservation Trust Act 2001</i> . Assented to 18.4.2001. Date of commencement of Sch 5, 29.6.2001, sec 2 and GG No 103 of 29.6.2001, p 4444.
	No 34	<i>Corporations (Consequential Amendments) Act 2001</i> . Assented to 28.6.2001. Date of commencement of Sch 1, 15.7.2001, sec 2 (1) and Commonwealth Gazette No S 285 of 13.7.2001
	No 11 2	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2001</i> . Assented to 14.12.2001. Date of commencement of Sch 2.19, assent, sec 2 (2).
200 2	No 64	<i>Game and Feral Animal Control Act 2002</i> . Assented to 10.7.2002. Date of commencement of Sch 3.2, 6.8.2004, sec 2 and GG No 131 of 6.8.2004, p 6300.
	No 13 7	<i>National Park Estate (Reservations) Act 2002</i> . Assented to 18.12.2002. Date of commencement, 1.1.2003, sec 2.
200 4	No 55	<i>Statute Law (Miscellaneous Provisions) Act 2004</i> . Assented to 6.7.2004. Date of commencement of Sch 1.11, 1.12.2005, Sch 1.11 and GG No 140 of 18.11.2005, p 9404.
200 5	No 11	<i>Road Transport (General) Act 2005</i> . Assented to 14.4.2005. Date of commencement of Sch 3.15, 30.9.2005, sec 2 (1) and GG No 120 of 30.9.2005, p 7674.
	No 98	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2005</i> . Assented to 24.11.2005. Date of commencement of Sch 1, assent, sec 2 (2).
200 6	No 2	<i>Public Sector Employment Legislation Amendment Act 2006</i> . Assented to 13.3.2006. Date of commencement, 17.3.2006, sec 2 and GG No 35 of 17.3.2006, p 1378.
	No 85	<i>Crown Lands Legislation Amendment (Carbon Sequestration) Act 2006</i> . Assented to 2.11.2006. Date of commencement, 9.2.2007, sec 2 and GG No 31 of 9.2.2007, p 735.
200 7	No 27	<i>Statute Law (Miscellaneous Provisions) Act 2007</i> . Assented to 4.7.2007. Date of commencement of Sch 2, assent, sec 2 (2).

This Act has also been amended:

(a) by a regulation under the *Public Authorities (Financial Accommodation) Act 1981 No 82* published in Gazette No 35 of 12.3.1982, p 1022, and amended by Gazette No 152 of 4.11.1983, p 4987, and

(b) pursuant to orders under secs 8 (2), 9 (3) and 9A of the *Reprints Act 1972 No 48* (formerly *Acts Reprinting Act 1972*). Order dated 5.10.1973, and published in GG No 129 of 12.10.1973, p 4429, declaring that:

(i) the *Forestry Act 1916* is an enactment to which sec 8 (2) of the *Acts Reprinting Act 1972* applies, and

(ii) the *Forestry Act 1916*, except the words "of this Act" where firstly occurring in sec 15 (2), is an enactment to which sec 9 (3) of the *Acts Reprinting Act 1972* applies.

Order dated 28.4.1986 and published in GG No 73 of 2.5.1986, p 1927.

Table of amendments No reference is made to certain amendments made by the *Decimal Currency Act 1965*, the *Reprints Act 1972*, and Schedule 3 (amendments replacing gender-specific language) to the *Statute Law (Miscellaneous Provisions) Act 1995*.

Long title	Am 1972 No 61, sec 5 (a).
Part 1A, heading	Ins 1999 No 31, Sch 5.41 [2].
Sec 2	Am 1972 No 26, sec 2 (1) (a); 1978 No 101, Schs 1 (1), 8 (1). Rep 1984 No 145, Sch 1 (1).
Sec 4	Am 1924 No 67, sec 3 (a); 1935 No 35, sec 4 (a); 1972 No 61, secs 5 (b), 6 (a); 1974 No 51, Sch; 1978 No 101, Schs 1 (2), 8 (2); 1980 No 196, Sch 1; 1989 No 9, Sch 1; 1999 No 96, Sch 2 [1]; 2002 No 137, Sch 9.1 [1]; 2007 No 27, Sch 2.20.
Sec 5	Am 1924 No 67, sec 3 (b); 1949 No 8, sec 16 (1) (a); 1976 No 4, Sch 5; 1978 No 101, Schs 2 (1), 8 (3); 1980 No 187, Sch 1; 1981 No 30, Sch 3 (1); 1988 No 34, Sch 1; 1989 No 105, Sch 1.
Sec 6	Subst 1924 No 67, sec 3 (c). Am 1935 No 35, sec 2 (1) (a); 1937 No 35, Second Sch. Rep 1949 No 8, sec 16 (1) (b).
Sec 6A	Ins 1933 No 7, sec 2. Rep 1935 No 35, sec 2 (3).
Sec 7	Subst 1924 No 67, sec 3 (d). Am 1981 No 30, Schs 1 (1), 3 (2); 1985 No 231, Sch 10 (1); 2000 No 53, Sch 1.9; 2005 No 98, Sch 1.11 [1].
Sec 8	Am 1978 No 101, Sch 8 (4).
Sec 8A, heading	Ins 1972 No 61, sec 4 (a).
Sec 8A	Ins 1972 No 61, sec 4 (a). Am 1999 No 96, Sch 2 [2]-[4].
Sec 9	Am 1935 No 35, sec 4 (b); 1946 No 39, sec 2; 1972 No 61, sec 4 (b); 1978 No 101, Sch 8 (5); 1981 No 30, Sch 3 (1) (3); 2006 No 2, Sch 4.19 [1] [2].
Sec 9A	Ins 1935 No 35, sec 2 (1) (b). Am 1978 No 101, Sch 8 (6); 1981 No 30, Sch 3 (1).
Sec 9B	Ins 1935 No 35, sec 2 (1) (b). Am 1978 No 101, Sch 8 (7); 1981 No 30, Sch 3 (1).
Sec 10	Am 1978 No 101, Sch 8 (8); 1981 No 30, Sch 3 (1); 2006 No 2, Sch 4.19 [3].
Sec 10A	Ins 1972 No 26, sec 4 (1) (a). Am 1978 No 101, Sch 2 (2); 2006 No 2, Sch 4.19 [4]-[6].
Sec 11	Am 1935 No 35, secs 4 (c), 5 (2) (a), 3 (a); 1972 No 26, secs 2 (1) (b), 4 (1) (b); 1972 No 61, sec 4 (c); 1978 No 101, Sch 2 (3); 1981 No 30, Sch 1 (2); 1985 No 231, Sch 10 (2); 1986 No 218, Sch 17 (1); 1987 No 209, Sch 15 (1); 1987 No 244, sec 3; 1995 No 11, Sch 1.50 [1]; 1997 No 65, Sch 4.11; 1998 No 124, Sch 4 [1]-[3]; 1999 No 96, Sch 2 [5] [6]; 2006 No 85, Sch 3 [1].
Sec 11AA	Ins 2006 No 85, Sch 3 [2].

Sec 11A	Ins 1924 No 67, sec 4. Am 1972 No 61, sec 5 (c); 1978 No 101, Sch 8 (9); 1986 No 205, Sch 2, 1987 No 209, Sch 15 (2); 1994 No 41, Sch 3.
Sec 11B	Ins 1924 No 67, sec 4.
Sec 11C	Ins 1951 No 14, sec 2 (a). Am 1981 No 30, Sch 1 (3).
Sec 11D, heading	Ins 1981 No 30, Sch 2 (1). Rep GG No 35 of 12.3.1982, p 1022.
Sec 11D	Ins 1981 No 30, Sch 2 (2). Rep GG No 35 of 12.3.1982, p 1022.
Sec 12, heading	Rep 1988 No 22, Sch 1.
Sec 12	Am 1969 No 20, sec 2 (a); 1972 No 26, sec 4 (1) (c); 1972 No 61, sec 5 (d); 1978 No 101, Sch 2 (4); 1981 No 30, Schs 2 (3), 3 (4); GG No 35 of 12.3.1982, p 1022 (am GG No 152 of 4.11.1983, p 4987); 1984 No 145, Sch 1 (2). Subst 1988 No 22, Sch 1. Am 1996 No 24, Sch 1.39 [1] [2].
Sec 13, heading	Rep 1988 No 22, Sch 1.
Sec 13	Am 1935 No 35, sec 5 (1) (a) (b), (2) (b), 3 (b); 1951 No 14, sec 2 (b); 1969 No 20, sec 2 (b), 1972 No 61, sec 5 (e); 1978 No 101, Sch 2 (5); 1981 No 30, Sch 3 (5); 1984 No 153, Sch 6; 1985 No 231, Sch 10 (3), 1986 No 218, Sch 17 (2); 1987 No 209, Sch 15 (3). Subst 1988 No 22, Sch 1. Am 1996 No 24, Sch 1.39 [3]; 2005 No 98, Sch 1.11 [2].
Sec 14	Am 1924 No 67, sec 3 (e); 1978 No 101, Sch 2 (6); 1981 No 30, Sch 3 (6). Rep 1983 No 153, Sch 1. Ins 1988 No 22, Sch 1.
Sec 14A	Ins 1988 No 22, Sch 1.
Part 2, heading	Subst 1978 No 101, Sch 8 (10).
Sec 15, heading	Am 1972 No 61, sec 5 (f) (i). Subst 1992 No 57, Sch 1.
Sec 15	Am 1935 No 35, sec 5 (1) (c); 1969 No 20, sec 2 (c); 1972 No 61, sec 5 (f) (ii)-(v); 1978 No 101, Sch 8 (11). Subst 1992 No 57, Sch 1. Am 1994 No 45, Sch 1; 2002 No 137, Sch 9.1 [2]-[4].
Sec 16	Am 1978 No 101, Sch 8 (12). Rep 1989 No 9, Sch 1.
Sec 16A	Ins 1969 No 20, sec 2 (d). Am 1974 No 51, Sch; 1992 No 57, Sch 1.
Sec 17	Subst 1972 No 26, sec 2 (1) (c). Am 1974 No 51, Sch.
Sec 17A	Ins 1972 No 26, sec 2 (1) (c).
Sec 18	Am 1969 No 20, sec 2 (e); 1972 No 26, secs 2 (1) (d), 3 (1) (a); 1972 No 61, sec 5 (g); 1974 No 51, Sch; 1980 No 196, Sch 1; 2002 No 137, Sch 9.1 [5].
Sec 19	Am 1935 No 35, sec 5 (1) (d); 1969 No 20, sec 2 (f); 1978 No 101, Sch 8 (13); 1989 No 9, Sch 1.
Sec 19A	Ins 1935 No 35, sec 5 (1) (f). Am 1969 No 20, sec 2 (g).
Sec 19B	Ins 1969 No 20, sec 2 (h). Am 1974 No 51, Sch; 1978 No 101, Sch 8 (14); 1987 No 209, Sch 15 (4); 2002 No 137, Sch 9.1 [6].
Sec 20	Am 1935 No 35, sec 4 (d); 1972 No 61, sec 6 (b); 1978 No 101, Sch 3 (1).
Sec 20A	Ins 1972 No 61, sec 5 (h).
Sec 21	Am 1935 No 35, sec 4 (e); 1955 No 28, Sch; 1972 No 61, sec 6 (c); 1973 No 81, Fourth Sch; 1978 No 101, Sch 8 (15); 1992 No 29, Sch 5; 1998 No 5, Sch 2.1 [1].

Sec 21A	Ins 1998 No 163, Sch 8. Am 2002 No 137, Sch 9.1 [7]-[12].
Sec 22	Am 1935 No 35, sec 5 (1) (e); 1964 No 7, sec 17 (1) (a); 1972 No 61, sec 5 (i); 1974 No 51, Sch; 1978 No 101, Sch 8 (16); 1989 No 9, Sch 1.
Sec 24	Am 1964 No 7, sec 17 (1) (b); 1978 No 101, Sch 8 (17); 1989 No 9, Sch 1.
Sec 25	Am 1935 No 35, sec 4 (f); 1957 No 30, sec 7 (1) (a); 1972 No 61, sec 6 (d); 1978 No 101, Schs 3 (2), 8 (18); 1989 No 9, Sch 1; 2002 No 137, Sch 9.1 [13] [14].
Sec 25A, heading	Ins 1935 No 35, sec 3.
Sec 25A	Ins 1935 No 35, sec 3. Am 1969 No 20, sec 2 (i); 1972 No 26, sec 3 (1) (b); 1972 No 61, sec 5 (j); 1974 No 51, Sch; 1978 No 101, Sch 8 (19); 1987 No 209, Sch 15 (5); 1995 No 11, Sch 1.50 [2] [3].
Sec 25B, heading	Ins 1935 No 35, sec 3.
Sec 25B	Ins 1935 No 35, sec 3. Rep 1938 No 10, sec 37 (6).
Part 2A	Ins 1972 No 26, sec 2 (1) (e).
Sec 25C	Ins 1972 No 26, sec 2 (1) (e). Am 1972 No 61, sec 7 (a); 1974 No 51, Sch; 1978 No 101, Sch 8 (20); 1980 No 196, Sch 1; 1989 No 9, Sch 1.
Sec 25D	Ins 1972 No 26, sec 2 (1) (e).
Sec 25E	Ins 1972 No 26, sec 2 (1) (e). Am 1989 No 9, Sch 1.
Sec 25F	Ins 1972 No 26, sec 2 (1) (e). Am 1974 No 51, Sch; 1978 No 101, Sch 4 (1); 1980 No 196, Sch 1; 1989 No 9, Sch 1; 2006 No 85, Sch 3 [3].
Sec 25G	Ins 1972 No 26, sec 2 (1) (e). Am 1978 No 101, Sch 4 (2).
Sec 25H	Ins 1972 No 26, sec 2 (1) (e). Am 1978 No 101, Sch 4 (3).
Sec 25I	Ins 1972 No 26, sec 2 (1) (e). Am 1972 No 61, sec 5 (k); 1978 No 101, Schs 4 (4), 8 (21); 1980 No 196, Sch 1; 1989 No 9, Sch 1.
Sec 25J	Ins 1972 No 26, sec 2 (1) (e). Rep 1972 No 61, sec 5 (1).
Part 3, heading	Subst 1978 No 101, Sch 5 (1).
Part 3, Div 1, heading	Ins 1978 No 101, Sch 5 (1).
Sec 26, heading	Rep 1978 No 101, Sch 5 (2).
Sec 26	Am 1935 No 35, sec 4 (g); 1969 No 20, sec 2 (j); 1972 No 26, secs 2 (1) (f), 3 (1) (c); 1972 No 61, secs 5 (m), 6 (e); 1974 No 51, Sch. Rep 1978 No 101, Sch 5 (2).
Sec 26A and heading	Ins 1972 No 61, sec 5 (n). Rep 1978 No 101, Sch 5 (2).
Sec 27	Am 1935 No 35, sec 4 (h); 1969 No 20, sec 2 (k). Subst 1972 No 61, sec 5 (o). Am 1978 No 101, Schs 5 (3), 8 (22); 1985 No 134, Sch 1 (1); 1985 No 231, Sch 10 (4); 1989 No 9, Sch 1; 1991 No 17, Sch 1; 1992 No 29, Sch 5; 1995 No 92, sec 28; 1997 No 133, Sch 5.1 [1]; 1998 No 5, Sch 2.1 [2]; 1998 No 143, Sch 6.9 [1] [2]; 1999 No 97, Sch 2.3; 2001 No 112, Sch 2.19 [1] [2]; 2004 No 55, Sch 1.11 [1]; 2006 No 85, Sch 3 [4] [5].
Part 3,	Ins 1978 No 101, Sch 5 (4).

Div 2	
Secs 27A-27C	Ins 1978 No 101, Sch 5 (4).
Sec 27D	Ins 1978 No 101, Sch 5 (4). Am 1984 No 145, Sch 1 (3).
Sec 27E	Ins 1978 No 101, Sch 5 (4). Am 2006 No 85, Sch 3 [6].
Secs 27F, 27G	Ins 1978 No 101, Sch 5 (4).
Sec 27H	Ins 1978 No 101, Sch 5 (4). Am 1985 No 134, Sch 1 (2); 1987 No 209, Sch 15 (6); 1989 No 236, Sch 3; 1997 No 133, Sch 5.1 [2]; 2001 No 10, Sch 5.1; 2004 No 55, Sch 1.11 [2].
Sec 28, heading	Am 1978 No 101, Sch 5 (5) (a).
Sec 28	Am 1978 No 101, Sch 5 (5) (b)-(e).
Sec 29	Am 1969 No 20, sec 2 (1); 1978 No 101, Sch 5 (6); 1988 No 92, Sch 9 (1); 1991 No 17, Sch 1; 2001 No 34, Sch 1.4.
Part 3, Div 3, heading	Ins 1978 No 101, Sch 5 (7).
Sec 30, heading	Rep 1978 No 101, Sch 5 (7).
Sec 30	Am 1972 No 26, sec 2 (1) (g); 1972 No 61, secs 5 (p), 7 (b). Subst 1978 No 101, Sch 5 (7). Am 1989 No 111, Sch 1 (1); 1998 No 143, Sch 6.9 [3]-[5].
Sec 30A	Ins 1972 No 61, sec 5 (q). Subst 1978 No 101, Sch 5 (7). Am 1984 No 145, Sch 1 (4).
Sec 30AA	Ins 2006 No 85, Sch 3 [7].
Sec 30B	Ins 1978 No 101, Sch 5 (7).
Sec 30C	Ins 1978 No 101, Sch 5 (7). Subst 1984 No 145, Sch 1 (5). Rep 1989 No 111, Sch 1 (2).
Sec 30D	Ins 1978 No 101, Sch 5 (7).
Sec 30E	Ins 1978 No 101, Sch 5 (7). Subst 1984 No 145, Sch 1 (6). Subst 1989 No 111, Sch 1 (3). Am 1998 No 143, Sch 6.9 [6].
Sec 30F	Ins 1978 No 101, Sch 5 (7). Rep 1984 No 145, Sch 1 (6). Ins 1989 No 111, Sch 1 (3). Am 1998 No 143, Sch 6.9 [7].
Sec 30G	Ins 1978 No 101, Sch 5 (7). Rep 1984 No 145, Sch 1 (6).
Sec 30H	Ins 1978 No 101, Sch 5 (7). Am 1984 No 145, Sch 1 (7); 1985 No 231, Sch 10 (5); 1989 No 111, Sch 1 (4).
Part 3, Div 4	Ins 1978 No 101, Sch 5 (7).
Sec 30I	Ins 1978 No 101, Sch 5 (7). Subst 1984 No 145, Sch 1 (8). Am 1989 No 9, Sch 1; 1989 No 111, Sch 1 (5).
Part 3, Div 5	Ins 1984 No 145, Sch 1 (9). Subst 1989 No 111, Sch 1 (6).
Sec 30J	Ins 1984 No 145, Sch 1 (9). Subst 1989 No 111, Sch 1 (6).
Sec 30K	Ins 1984 No 145, Sch 1 (9). Am 1987 No 209, Sch 15 (7). Subst 1989 No 111, Sch 1 (6).
Sec 30L	Ins 1984 No 145, Sch 1 (9). Am 1987 No 209, Sch 15 (8). Subst 1989 No 111, Sch 1

	(6).
Sec 30M	Ins 1984 No 145, Sch 1 (9). Rep 1989 No 111, Sch 1 (6).
Sec 31	Am 1935 No 35, sec 4 (i); 1972 No 61, secs 5 (r), 6 (f); 1978 No 101, Schs 6 (1) (am 1984 No 153, Sch 16), 8 (23); 1988 No 92, Sch 9 (2); 1989 No 9, Sch 1; 2006 No 85, Sch 3 [8].
Sec 32	Am 1935 No 35, secs 4 (j), 5 (1) (g); 1969 No 20, sec 2 (m); 1972 No 61, secs 5 (s), 6 (g). Subst 1978 No 101, Sch 6 (2). Am 1985 No 231, Sch 10 (6); 1991 No 17, Sch 1.
Sec 32A	Ins 1978 No 101, Sch 6 (3).
Sec 32B	Ins 1978 No 101, Sch 6 (3). Am 1999 No 31, Sch 3.7. Rep 2002 No 64, Sch 3.2 [1].
Sec 32C	Ins 1978 No 101, Sch 6 (3). Am 1991 No 17, Sch 1; 2002 No 64, Sch 3.2 [2].
Sec 32D	Ins 1978 No 101, Sch 6 (3). Am 1985 No 231, Sch 10 (7); 1991 No 17, Sch 1.
Sec 32E	Ins 1978 No 101, Sch 6 (3). Am 1985 No 231, Sch 10 (8); GG No 73 of 2.5.1986, p 1927; 1986 No 16, Sch 23.
Sec 32F	Ins 1978 No 101, Sch 6 (3).
Sec 32G	Ins 1978 No 101, Sch 6 (3). Am 1991 No 17, Sch 1.
Sec 33	Am 1972 No 61, sec 5 (t); 1974 No 51, Sch; 1978 No 101, Sch 6 (4).
Sec 33A	Ins 1969 No 20, sec 2 (n). Am 1978 No 101, Sch 8 (24); 1989 No 9, Sch 1; 2002 No 137, Sch 9.1 [15] [16].
Part 4A	Ins 1998 No 124, Sch 4 [4].
Sec 33B	Ins 1998 No 124, Sch 4 [4]. Am 1999 No 96, Sch 2 [7].
Sec 33C	Ins 1998 No 124, Sch 4 [4].
Sec 34	Am 1978 No 101, Sch 7 (1).
Sec 35	Am 1978 No 101, Sch 7 (2); 1987 No 209, Sch 15 (9).
Sec 35A	Ins 1978 No 101, Sch 7 (3). Am 1986 No 218, Sch 17 (3).
Sec 35B	Ins 1982 No 153, Sch 1. Rep 1993 No 31, sec 52.
Sec 35C	Ins 1982 No 153, Sch 1. Am 1988 No 22, Sch 1. Rep 1993 No 31, sec 52.
Sec 36	Am 1935 No 35, sec 4 (k); 1972 No 61, sec 6 (h); 1978 No 101, Sch 8 (25). Rep 1993 No 31, sec 52.
Sec 36A	Ins 1978 No 101, Sch 7 (4).
Sec 37	Am 1937 No 35, Second Sch. Subst 1989 No 9, Sch 1.
Sec 38	Am 1969 No 20, sec 2 (o); 1972 No 61, sec 5 (u); 1978 No 101, Sch 7 (5); 1991 No 17, Sch 1.
Sec 38A	Ins 1978 No 101, Sch 7 (6). Am 1991 No 17, Sch 1; 1998 No 99, Sch 1.5.
Sec 38B	Ins 1978 No 101, Sch 7 (6). Am 1991 No 17, Sch 1.
Sec 38C	Ins 1978 No 101, Sch 7 (6). Am 1997 No 119, Sch 2.8 (am 1998 No 26, Sch 1 [13]); 1999 No 19, Sch 2.14; 2005 No 11, Sch 3.15.
Sec 39	Am 1972 No 61, sec 5 (v); 1978 No 101, Sch 7 (7); 1984 No 145, Sch 1 (10).
Sec 40	Am 1972 No 61, sec 5 (w). Rep 1978 No 101, Sch 7 (8). Ins 1998 No 48, Sch 2.8.
Sec 41	Am 1924 No 67, sec 3 (f); 1935 No 35, sec 4 (l); 1969 No 20, secs 2 (p), 3 (l); 1972 No 61, secs 5 (x), 6 (i); 1978 No 101, Sch 7 (9); 1981 No 30, Sch 3 (7); 1984 No 145, Sch 1 (11); 1985 No 231, Sch 10 (9); 1989 No 111, Sch 1 (7); 1991 No 17, Sch 1.
Sec 42	Am 1935 No 35, sec 5 (1) (h). Subst 1978 No 101, Sch 8 (26). Rep 1987 No 48, Sch 32.
Sec 43	Am 1935 No 35, sec 4 (m); 1972 No 61, secs 5 (y) (am 1978 No 101 sec 6), 6 (j); 1978 No 101, Schs 7 (10), 8 (27); 1985 No 231, Sch 10 (10); GG No 73 of 2.5.1986, p 1927;

	1986 No 16, Sch 23; 1986 No 218, Sch 17 (4); 1988 No 22, Sch 1; 1991 No 17, Sch 1; 1996 No 24, Sch 1.39 [3]; 1999 No 31, Sch 4.32 [1].
Sec 44	Am 1969 No 20, sec 2 (q); 1978 No 101, Sch 7 (11); 1991 No 17, Sch 1.
Sec 45	Am 1969 No 20, sec 2 (r); 1986 No 218, Sch 17 (5); 1991 No 17, Sch 1.
Sec 45A and heading	Ins 1972 No 61, sec 5 (z).
Sec 45B	Ins 1978 No 101, Sch 7 (12).
Sec 46	Am 1972 No 61, sec 5 (aa). Subst 1978 No 101, Sch 7 (13). Am 1999 No 31, Sch 4.32 [2].
Sec 46A	Ins 1978 No 101, Sch 7 (14). Am 1984 No 145, Sch 1 (12); 1986 No 218, Sch 17 (6); 1989 No 111, Sch 1 (8); 1992 No 57, Sch 1.
Sec 47	Am 1972 No 61, sec 5 (ab); 1978 No 101, Sch 7 (15).
Sec 48	Ins 1978 No 101, Sch 7 (16). Am 1984 No 145, Sch 1 (13); GG No 73 of 2.5.1986, p 1927; 1989 No 111, Sch 1 (9); 1999 No 94, Sch 4.26.
First Sch	Ins 1972 No 26, sec 5. Am 1980 No 196, Sch 1; 1989 No 9, Sch 1.
Second Sch	Ins 1972 No 26, sec 5. Am 1980 No 196, Sch 1. Subst 1985 No 231, Sch 10 (11). Am 1989 No 9, Sch 1.
Third Sch	Ins 1981 No 30, Sch 2 (4). Rep GG No 35 of 12.3.1982, p 1022. Ins 1989 No 9, Sch 1. Am 1999 No 85, Sch 3.1 [1] [2].
The whole Act	Am 1999 No 31, Sch 5.41 [1] (each heading that is not a Part heading, Div heading, sec heading, Sch heading or cl heading omitted).