

Version No. 001
Forests (Licences and Permits) Regulations
1999

S.R. No. 137/1999

Version as at 19 December 1999

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1. Objectives

The objectives of these Regulations are to prescribe—

- (a) the manner in which applications for licences under section 52 of the Act must be made; and
- (b) the terms and conditions of those licences and of agistment permits.

2. Authorising provisions

These Regulations are made under sections 52 and 99 of the **Forests Act 1958** and section 54 of the **Conservation, Forests and Lands Act 1987**.

3. Commencement

These Regulations come into operation on 19 December 1999.

4. Revocation

The Forests (Licences and Permits) Regulations 1988¹ are **revoked**.

5. Definitions

In these Regulations—

"Act" means **Forests Act 1958**;

"licence" means a licence issued by the Secretary under section 52 of the Act;

"permit" means an agistment permit issued by the Secretary under section 52 of the Act.

6. Applications for licences

- (1) An application for a licence must be made on the form approved by the Secretary.
- (2) An application must—
 - (a) include the name and address of the applicant; and
 - (b) specify the purpose for which the licence is required; and
 - (c) specify the forest block or area for which the licence is required; and
 - (d) if requested by the Secretary, specify any additional information relating to the application; and
 - (e) be lodged with the Secretary.

7. Terms and conditions of all licences and permits

- (1) A licence or permit is subject to the term and condition that the licence holder or permit holder must ensure that any damage to, or obstruction of, any road, track, fire break, culvert, drain, water race, dam, building, bridge or other structure caused by the licence holder or permit holder or his or her employees is rectified by the licence holder or permit holder at his or her own expense to the satisfaction of, and within the time specified by, the Secretary.
- (2) A licence or permit is subject to the term and condition that the licence holder or permit holder must ensure that any obstruction or pollution of any reservoir, river, stream or watercourse caused by the licence holder or permit holder or his or her employees is rectified by the licence holder or permit holder at his or her own expense to the

satisfaction of, and within the time specified by, the Secretary.

8. Terms and conditions of licences to cut and take away forest produce

- (1) It is a term and condition of a licence to cut and take away forest produce that the licence holder must ensure that only those trees, or groups of trees, that the Secretary has branded or otherwise specified, are felled.
- (2) It is a term and condition of a licence to cut and take away forest produce that the licence holder must ensure that any requirements of the Secretary with regard to the removal or disposal of any structure, debris, materials or residue arising from the cutting and taking away of forest produce by the licence holder in the location specified in the licence are carried out to the satisfaction of, and within the time specified by, the Secretary.
- (3) It is a term and condition of a licence to cut and take away forest produce that the licence holder must pay to the Secretary on demand all royalties, dues, fees or charges payable in respect of forest produce.
- (4) It is a term and condition of a licence to cut and take away forest produce that—
 - (a) the licence holder must not construct any landing, building or other structure without the authority in writing of the Secretary; and
 - (b) if such an authority has been given, the landing, building or other structure must be constructed in accordance with the directions of the Secretary as to the location and construction.

9. Reporting requirements of licence holders

- (1) The Secretary at any time may request the holder of a licence to cut and take away forest produce to make a declaration under this regulation.
- (2) A request under sub-regulation (1) must—
 - (a) be in writing; and
 - (b) specify the period to which the declaration is to relate.
- (3) The holder of a licence to cut and take away forest produce must—
 - (a) make the declaration in writing and in a clear and legible manner in a form approved by the Secretary; and
 - (b) include in the declaration in respect of the specified period the following—
 - (i) the quantity and description of forest produce cut or taken away by the holder of the licence; and
 - (ii) the marking or identification of that forest produce; and
 - (iii) the location from which that forest produce was taken; and
 - (iv) the place or places to which that forest produce is consigned; and
 - (v) any other information relating to the cutting and taking away of forest produce required by the Secretary.

Penalty: 10 penalty units.

- (4) The holder of a licence to cut and take away forest produce must provide a declaration under this regulation to the Secretary within 14 days after receiving a request under sub-regulation (1).

Penalty: 10 penalty units.

- (5) The holder of a licence to cut and take away forest produce must not make a false or misleading statement in a declaration under this regulation.

Penalty: 10 penalty units.

10. Licence holder to comply with Code of Forest Practices

It is a term and condition of a licence to cut and take away forest produce that the licence holder must comply with the requirements of the Code of Practice approved under the **Conservation, Forests and Lands Act 1987** and called the Code of Forest Practices for Timber Production, Revision No. 2, November 1996.

11. Terms and conditions of bee farm and bee range licences

- (1) It is a term and condition of a licence for a bee farm that the licence holder must notify the Secretary at any time that he or she is in occupation of the bee farm site with bee hives.
- (2) It is a term and condition of a licence for a bee farm or bee range that the licence holder must not, without the authority in writing of the Secretary, place bee hives—
- (a) within 200 metres of an occupied residence or constructed fireplace; or
 - (b) within 50 metres of a road, track, reservoir, tank, waterhole or watercourse.

- (3) It is a term and condition of a licence for a bee farm or bee range that—
 - (a) the licence holder must not, without the authority in writing of the Secretary, construct any building, fence, gate, ramp or other improvement; and
 - (b) if such an authority has been granted by the Secretary, the licence holder must ensure that any building, fence, gate, ramp or other improvement is constructed in accordance with the directions of the Secretary.
- (4) It is a term and condition of a licence for a bee farm or bee range that the licence holder must pay to the Secretary on demand all royalties, dues, fees or charges payable in respect of the licensed land.
- (5) It is a term and condition of a licence for a bee farm or bee range that the licence holder must not, without the authority in writing of the Secretary, sow any seed or attempt any cultivation or pasture improvement.
- (6) It is a term and condition of a licence for a bee farm or bee range that the licence holder must not use any poison, insecticide or agricultural spray except in accordance with the written authority of the Secretary.

12. Terms and conditions of grazing licences, agistment licences and agistment permits

- (1) It is a term and condition of a grazing licence, agistment licence and agistment permit that the licence holder or permit holder must not allow cattle to be admitted to any area of reserved forest under agistment unless an authorised officer is present at the time the cattle are admitted.

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- (2) It is a term and condition of a grazing licence, agistment licence and agistment permit that the licence holder or permit holder must not allow any cattle to be removed from any area of reserved forest under agistment unless a notice in writing of that fact has been given to an authorised officer.
- (3) It is a term and condition of a grazing licence, agistment licence and agistment permit that the licence holder or permit holder must ensure that any cattle admitted to an area of reserved forest under agistment carry a means of identification that has been approved by the Secretary.
- (4) It is a term and condition of a grazing licence, agistment licence and agistment permit that before any cattle are admitted to an area of reserved forest under agistment, the licence holder or permit holder must advise the Secretary in writing of—
- (a) the number; and
 - (b) the sex; and
 - (c) the brands; and
 - (d) the identification marks—
- of those cattle.
- (5) It is a term and condition of a grazing licence, agistment licence and agistment permit that the licence holder must obtain the authority of the Secretary before mustering any cattle that are depastured under the licence or permit.
- (6) It is a term and condition of a grazing licence, agistment licence and agistment permit that the licence holder or permit holder must meet any costs associated with mustering any cattle that are depastured in an area of reserved forest under agistment.
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- (7) It is a term and condition of a grazing licence, agistment licence and agistment permit that—
- (a) the licence holder or permit holder must not, without the authority in writing of the Secretary, construct any building, fence, gate, ramp or other improvement; and
 - (b) if such an authority has been granted by the Secretary, the licence holder or permit holder must ensure that any building, fence, gate, ramp or other improvement is constructed in accordance with the directions of the Secretary.
- (8) It is a term and condition of a grazing licence, agistment licence and agistment permit that the licence holder or permit holder must pay to the Secretary on demand all royalties, dues, fees or charges payable in respect of the land specified in the licence or permit.
- (9) It is a term and condition of a grazing licence, agistment licence and agistment permit that the licence holder or permit holder must not, without the authority in writing of the Secretary, sow any seed or attempt any cultivation or pasture improvement.
- (10) It is a term and condition of a grazing licence, agistment licence and agistment permit that the licence holder or permit holder must not use any poison, insecticide or agricultural spray except in accordance with the written authority of the Secretary.
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ENDNOTES

1. General Information

The Forests (Licences and Permits) Regulations 1999, S.R. No. 137/1999 were made on 14 December 1999 by the Governor in Council under sections 52 and 99 of the **Forests Act 1958**, No. 6254/1958 and section 54 of the **Conservation, Forests and Lands Act 1987**, No. 41/1987 and came into operation on 19 December 1999: regulation 3.

The Forests (Licences and Permits) Regulations 1999 will sunset 10 years after the day of making on 14 December 2009 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Forests (Licences and Permits) Regulations 1999 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

¹ S.R. No. 472/1988.

Table of Applied, Adopted or Incorporated Matter Required by Subordinate Legislation Regulations 1994

The following table of applied, adopted or incorporated matter was included in S.R. No. 137/1999 in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 10	Code of Forest Practices for Timber Production, Revision No. 2, November 1996	Whole document