



ANNO DECIMO QUARTO

GEORGII VI REGIS.

A.D. 1950.

No. 17 of 1950.

An Act to make further and better provision for the creation and management of State forests and matters incidental thereto.

[Assented to 2nd November, 1950.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

- Short title.** 1. This Act may be cited as the "Forestry Act, 1950".
- Interpretation.** 2. In this Act, unless the context otherwise requires, or some other meaning is clearly intended—
- “the board” means The Forestry Board created by this Act;
- “the Conservator” means the Conservator of Forests holding office under this Act;
- “forest reserve” means—
- (a) any land vested in the Minister of Forests, or held by him under licence;
- (b) any land which either before or after this Act has been reserved for a forest reserve, and has not ceased to be so reserved;
- “the Minister” means the Minister of Forests;
- “property” means real and personal property.
- Repeal.** 3. The Woods and Forests Act, 1882-1935, is repealed.
- Administration.*
- Administration by Minister.** 4. This Act shall, except as otherwise provided, be administered by the Minister.

5. (1) The Minister shall by the name of "Minister of Forests" be a body corporate with perpetual succession and a common seal, and subject to this Act, shall have power in his corporate name to purchase, take, hold and dispose of property and may sue and be sued in his corporate name. Incorporation of Minister.

(2) The common seal of the Minister shall be judicially noticed and when it appears on a document shall be presumed to have been properly affixed thereto.

6. (1) The Governor may appoint a board to be called "The Forestry Board". The Forestry Board.

(2) The board shall consist of three members. The Conservator shall, by virtue of his office be a member of the board, and the other two members shall be appointed on the nomination of the Minister for such period and on such terms and conditions as the Governor determines.

(3) The Governor shall appoint one of the members of the board to be the chairman of the board.

(4) Until other appointments are made under this section the members of the Forestry Board in office at the time of the passing of this Act shall constitute the board.

(5) Subject to this Act, the proceedings and business of the board shall be conducted in such manner as the board determines.

7. (1) The Governor may, in accordance with the Public Service Act, 1936-1949, appoint a Conservator of Forests and such other officers as are required for the administration of this Act. Officers.

(2) The Conservator and other officers so appointed shall be subject to the Public Service Act, 1936-1946.

(3) The Conservator shall be a person holding a degree or diploma in forestry or some other qualification in forestry approved by the Public Service Commissioner as adequate for the purposes of this Act.

(4) The Minister may appoint such other employees as are required for the administration of this Act.

(5) The Conservator shall be the principal administrative officer of the Minister for the purposes of this Act.

(6) All officers and employees employed at the commencement of this Act in connection with the administration of the Woods and Forests Act, 1882-1935, shall be deemed to have been appointed under this Act.

8. (1) The Minister may, by writing signed by him, delegate to the board or to the Conservator any powers, authorities, Power of Minister to delegate.

duties and functions (except this power of delegation) conferred or imposed on him by this Act.

(2) A delegation under this section—

(a) shall be revocable at will ;

(b) shall not prevent the exercise of any power, authority, duty or function by the Minister.

(3) Any reference in this Act to the Minister shall, in respect of matters as to which any powers, authorities, duties or functions are exercised by the board or the conservator pursuant to a delegation under this section, be deemed to include a reference to the board or conservator as the case may be.

Management of Forests and disposal of products.

Control of
forest reserves.

9. Subject to this Act, the Minister shall control and manage every forest reserve.

Leases of
forest reserves.

10. (1) The Minister, on the recommendation of the board, may grant a lease of the whole or any part of any forest reserve, being land which is not required for operations carried on by the Minister under this Act.

(2) Every such lease shall reserve such rent and contain such terms, covenants, and conditions as the Minister approves on the recommendation of the board.

Licences and
other interests
in forest
reserves.

11. (1) The Minister, on the recommendation of the board, may grant a licence, easement, profit a prendre, or other interest in or over the whole or any part of any forest reserve : Provided that a licence for the use and occupation of any such land for grazing or agriculture may be granted by the Minister on the recommendation of the Conservator.

(2) Every such licence, easement, profit a prendre, and interest shall be granted on and be subject to any terms and conditions recommended by the board.

Planting,
milling and
disposal of
timber.

12. The Minister may—

(a) plant any forest reserve with trees ;

(b) take any action necessary or convenient to be taken to protect any trees in a forest reserve and ensure their proper growth ;

(c) on the recommendation of the board establish, maintain, and operate mills, plant and machinery for the milling and treatment of such trees and timber.

Milling and
sale of timber.

13. The Minister, on the recommendation of the board, may sell or otherwise dispose of any trees or timber produced in forests under the control of the Minister, and any mill

products produced in the milling or treatment of such trees or timber :

Provided that no sale or contract for the sale of trees or timber shall be made unless the Conservator has certified that trees or timber for such sale are available or can properly be made available from the forests.

14. The Minister may—

- (a) build, take on lease or purchase dwellinghouses and sell or let them to officers and employees of the Minister and to other persons for whom he deems it expedient to provide dwellinghouses in order to facilitate operations carried on under this Act :
- (b) enter into and carry out any other transactions or arrangements for providing living accommodation for such officers and employees and such other persons :
- (c) make grants of money or do any work or enter into and carry out any transactions or arrangements for the establishment, development and improvement of residential and shopping areas and recreation facilities for such officers and employees and other persons.

Accommodation for employees.

15. The Minister may sell electricity generated at any mill established or maintained under this Act.

Electricity.

16. Subject to this Act, the Minister may, for the purpose of carrying the other provisions of this Act into operation—

Ancillary powers of Minister.

- (a) buy, take on lease or other tenancy, or hire any property ;
- (b) sell, let or otherwise dispose of any property ;
- (c) enter into any transaction and do or execute any act matter or thing which it is necessary or convenient to enter into, do or execute :

Provided that this section shall not authorize the Minister to sell any forest reserve or any part of any such reserve.

17. (1) In this section "authorized person" means the Minister, or any person authorized by the Minister to take action under this section.

Prevention of fire.

(2) For the prevention of fire, an authorized person may cut down, destroy or remove trees, scrub or inflammable material of any kind on any road adjoining a forest reserve.

(3) Before taking any action under subsection (2) of this section on a road within a municipality or district council

district the authorized person shall give the council of that municipality or district council district notice of his intention to do so, and shall consider any representations made to him by the council within one month after the giving of the notice.

(4) Compensation shall not be payable to a council or any other person for any tree, scrub or material cut down, destroyed or removed under this section.

(5) The authorized person shall make good any damage caused by him to any fence or other property by anything done under this section, and shall remove from the road or otherwise dispose of any logs, branches or debris arising from action taken under this section.

Injuries to
forest reserves.

18. (1) A person who without the consent of the Minister injures, destroys or interferes with any property belonging to, or under the control or management of, the Minister or the board, shall be guilty of an offence and liable to a fine of not more than one hundred pounds.

(2) If any such property is injured or destroyed by any animal, the owner of the animal shall be deemed to have injured or destroyed that property unless he proves that the injury or destruction was caused by the wilful or negligent act of some other person.

(3) The court by which a person is convicted of an offence against this section may order that person to pay to the Minister compensation for the damage done.

Miscellaneous.

Technical
advice and
assistance.

19. The board or the Conservator, with the approval of the Minister, may, on terms and conditions approved by the Minister, afford technical advice and assistance on forestry and operations and problems allied therewith to any municipal or district council, or to any other public authority or to persons engaged or about to engage in production or commerce.

Proceedings
for offences.

20. Proceedings in respect of offences against this Act shall be disposed of summarily.

Regulations.

21. The Governor may make regulations—

- (a) with respect to the control, management and protection of forest reserves and all property of the Minister ;
- (b) prescribing any other matters which it is necessary or convenient to prescribe for the administration and operation of this Act ;

(c) prescribing fines recoverable summarily and not exceeding fifty pounds for breach of any regulation.

22. The money required for the purposes of this Act shall be paid out of money provided by Parliament for those purposes. Financial provision.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.