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THE FORESTS ACT, 1918.

Department of Forests,
Perth, 30th October, 1923.

IT is hereby notified that His Excellency the Governor, by and with the advice of the Executive Council, and on the recommendation of the Conservator, has been pleased to make the following Regulations under "The Forests Act, 1918."

S. L. KESSELL,
Conservator of Forests.

FORESTS ACT, 1918.

Amended Regulations.

1. Regulation 52 of the Regulations published in the *Government Gazette* of the 12th November, 1920, is repealed, and a Regulation is inserted in place thereof, as follows:—

52. (a.) Every license to cut and remove sandalwood from Crown Lands within the State, south of the 26th parallel of south latitude, shall be subject to the payment by the licensee of a royalty of £25 per ton cleaned for all sandalwood obtained under such license, which shall be issued in accordance with the prescribed form.

(b.) A rebate of £16 per ton on cleaned sandalwood on which the above royalty is payable will be allowed on proof to the satisfaction of the Conservator of payment to the registered getter of not less than £16 per ton for such sandalwood delivered on rail at the nearest railway station or siding to an approved depot controlled by or on behalf of the licensee. Such proof shall be by statutory declaration or otherwise, as the Conservator may think fit, and the production of receipts signed by the registered sandalwood getter or other evidence of payment.

(c.) Clause (b) hereof shall refer only to sandalwood of fair average quality, in accordance with specifications to be fixed from time to time by the Conservator, but such specifications shall not prescribe any minimum size of sandalwood to be pulled. On wood not conforming with such specifications the Conservator may agree to an amount of less than £16 being paid to the sandalwood getter without a corresponding reduction in the amount of rebate.

(d.) Provided that the royalty payable on uncleaned wood received from railway lines converging at Geraldton, and known in the trade as "Geraldton wood," shall be £15 per ton; and the rebate prescribed by paragraph (b) hereof shall in such case be £10 10s. per ton; but subject thereto that paragraph will apply.

The Conservator may agree for a lower price being paid for "Geraldton wood" without reduction in the rebate allowed in the case of wood of less than fair average quality, whenever he may consider such concession justifiable.

(e.) A license may be in the form in the schedule to these amended regulations.

2. Regulation 53 of the said Regulations is hereby repealed, and a Regulation is inserted in place thereof, as follows:—

53. Every sandalwood getter employed by a licensee, whether engaged in pulling, cutting, cleaning, or carting sandalwood, shall be a timber worker duly registered in accordance with Regulation 4.

3. Regulation 55 is repealed.

4. These amended Regulations shall come into force on the 1st day of November, 1923.

THE SCHEDULE.

Western Australia.

Forests Act, 1918.

SANDALWOOD LICENSE.

No.
This is to certify that..... (hereinafter called "the Licensee") of..... is hereby licensed for..... calendar months from..... to..... under and subject to the provisions of "The Forests Act, 1918," and the amendments thereof and the regulations thereunder in force for the time being, and the conditions hereinafter expressed, to pull and remove..... tons of sandalwood per month, on and from the area of Crown lands described in the Schedule hereto.

(1.) For the purpose of this license the removal of sandalwood from Crown lands shall be taken to mean the carting from Crown lands to railway station or siding, and the ralling to depots approved by the Conservator of Forests (hereinafter called "the Conservator").

(2.) The Licensee shall pay to the Conservator, at the office of the Forests Department, Perth, royalty of £..... per ton of sandalwood, and such royalty shall be payable as accounts are rendered from time to time by or on behalf of the Conservator to the Licensee.

A rebate of £..... per ton to cover payment to getters for sandalwood of fair average quality delivered on trucks, Fremantle, will be allowed under and subject to Regulation 52 or such regulation as for the time being may be in force in lieu thereof.

(3.) The Licensee shall, on the first day of each and every month, furnish to the Conservator at the office of the Forests Department, Perth, true returns, verified by statutory declarations, and supported by railway vouchers or such other documents or evidence as may be required, of all sandalwood obtained and removed under this license.

(4.) The Licensee shall place orders on lines set out hereunder, and shall remove to approved depots no less than..... or more than..... tons of sandalwood per month, unless exempted by the Conservator during the currency of this license.

In calculating the amount of sandalwood taken per month for the purpose of conforming with the above maximum and minimum requirements, the amount of sandalwood roots pulled and disposed of, or sandalwood used for oil distillation purposes within the State, shall not be included.

(5.) The right conferred by this license extends only to such unalienated and unreserved Crown lands over which such rights may be lawfully exercised.

(6.) All sandalwood pulled or obtained under this license shall be utilised with the minimum of waste to the satisfaction in all respects of the Forester in Charge, or such other officer as may be deputed by the Conservator to supervise operations.

(7.) This license is not transferable.

(8.) (a) All sandalwood trees removed under this license shall be pulled up by the roots. The main trunk of the tree shall not be severed until the tree is pulled.

(b) All sandalwood roots and butts obtained by severing the main trunk three inches above ground level shall be consigned to such depots as the Conservator may from time to time direct. The Conservator shall arrange for payment to the Licensee of £14 per ton on rails at such depot, provided that no roots of less than 1½ inches in diameter are included. Weight to be reckoned on roots, free from earth, but not barked or cleaned.

(c) The sandalwood getter shall be paid not less than £13 10s. for such roots and butts on trucks at nearest railway station or siding to nominated depots.

(d) Every load of sandalwood hauled shall include not less than 10 per cent. by weight (or such other percentage as may be mutually agreed upon), of sandalwood roots and butts conforming with the above specification.

(9.) (a) The minimum payment by the Licensee to sandalwood getters shall be at the rate of £..... per ton, free of royalty, on rails, Fremantle, or the nearest railway station or siding to approved depots, for sandalwood of fair average quality.

(b) In the event of any sandalwood being received at an approved depot which is, in the opinion of the Licensee, not up to fair average quality, the price to be paid to the sandalwood getter for such sandalwood shall be subject to adjustment by the Conservator. No rate less than £..... per ton on trucks at approved depots shall be paid by the Licensee without written authority of the Conservator, who shall cause the wood in question to be examined, and decide upon the rate to be paid.

(c) In centres which may be nominated by the Conservator the Licensee shall appoint agents who shall, for the purpose of this license, be regarded as employees of the Licensee.

(d) All orders placed with sandalwood getters on behalf of the Licensee shall be placed in writing by the Licensee or his authorised agents, in accordance with the provisions of this license, with persons registered for the purpose of obtaining sandalwood from Crown lands. A carbon copy of all such orders shall be kept and shall be available for inspection by the Conservator, if required. No portion of the £..... set out above as the minimum payment to sandalwood getters shall be paid to such agents or other employees of the Licensee.

(e) Where side sticks of other than sandalwood are used in trucks, 1 cwt. may be deducted from the declared weight of sandalwood in the truck, as allowance for the weight of side sticks included.

(10.) The Licensee and any persons employed by him as agents shall, whenever required to do so, produce for inspection by the Conservator, or any persons acting with his authority, all books of accounts, returns or other documents relating to the cutting, pulling and removal of sandalwood, and the payment of cutters, but any information so obtained shall not be disclosed otherwise than in the performance by an officer of his official duties.

(11.) The Licensee shall continue to place orders with registered sandalwood getters for the delivery of wood on trucks at Fremantle, or other siding adjacent to approved depots, as has been the trade practice in the past. If for reasons beyond the control of the Licensee it becomes necessary for him to handle the wood before such delivery on rails, the approval of the Conservator to cover the methods to be adopted and the rates to be paid shall first be obtained.

(12.) Supplies of sandalwood shall be obtained from various centres to be determined by the Conservator in proportion to their output during the past two years. After any agreement is arrived at among licensees concerning the localities from which supplies shall be obtained, any Licensee who departs from such arrangement shall be regarded as having departed from a condition under which this license is issued, and his license shall be subject to cancellation.

(13.) (a) Every person employed under this license in the pulling, cutting, cleaning or removal of sandalwood shall be registered at the office of the Forests Department, Perth, as a timber worker.

(b) The Licensee shall, except as hereinafter provided, only employ in the obtaining of sandalwood registered cutters who are natural born or naturalised British subjects.

(c) The Licensee shall, from time to time, place such orders as directed by the Conservator with prospectors, or persons withdrawn from mining under the provisions of "The Miners Phthisis Act, 1922," and returned soldiers suffering from war injuries.

(14.) The Licensee shall in no way damage or interfere with any fences, survey pegs, buildings, or other improvements erected within or adjacent to the said area, and shall keep closed all gates used by him when removing the sandalwood.

(15.) In the event of the Licensee obtaining supplies of sandalwood from private property, he shall obtain, and produce for inspection by the Conservator, written authority from the owner of such private property, or his agent, to remove such sandalwood. All sandalwood shall be deemed to have been obtained from Crown Lands until the contrary is proved to the satisfaction of the Conservator.

(16.) As security for the due observance and performance by the Licensee of his obligations under this license, he shall lodge with the Forests Department a deposit of £....., to be retained until the expiration or sooner determination of this license, or a bond with approved surety for the payment of £.....

(17.) In default of payment by the Licensee of the royalty hereby reserved, or of the observance and performance by him of any of the conditions of this license, and the observance by him of the provisions of the said Act and Regulations, or any of them to which this license is subject, the Conservator may suspend this license, or, by notice in writing to the Licensee, cancel and determine the license, and thereupon all rights under this license may be forfeited, together with the deposit lodged, and such other assets as shall be provided for within the terms of the Forests Act and Regulations, but without prejudice to the rights of the Conservator to recover royalty in arrear and in respect of any other claims against the Licensee.

(18.) If any question shall arise as to the observance and performance by the Licensee of the conditions of this license, or the observance by him of the provisions of the said Act and Regulations, or in case of any dispute in relation to the pulling or removal of sandalwood, or as to the quantity or quality of sandalwood obtained or removed, the same shall be decided by the Conservator whose decision shall be final.

(19.) The Licensee accepts this license and agrees with the Conservator to observe and perform the conditions and obligations thereof.

Schedule.

Dated at Perth this..... day of....., 192..

Conservator of Forests.