



# Government Gazette

## OF WESTERN AUSTRALIA

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PERTH : WEDNESDAY, 28th AUGUST

[1957.

### FORESTS ACT, 1918-1954.

Forests Department,  
Perth, 10th July, 1957.

Ex. Co. 1211.

HIS Excellency the Governor in Executive Council has been pleased, under the provisions of the Forests Act, 1918-1954, and on the recommendation of the Conservator of Forests to make the regulations set out in the schedule hereunder.

A. C. HARRIS,  
Conservator of Forests.

#### Schedule. Forest Regulations. Preliminary.

1. These regulations may be cited as the Forest Regulations, 1957.
2. The Forest Regulations, 1935, published in the *Government Gazette* on the 21st day of June, 1935, and all amendments thereof and additions thereto are revoked.
3. In these regulations, unless the context requires otherwise—
  - “Act” means the Forests Act, 1918, and any amendments thereto;
  - “Conservator” means the Conservator of Forests.
  - “license” means a license issued under the Act or these regulations;
  - “permit” means a permit issued under the Act or these regulations;
  - “registered brand” means an impression made by means of a branding hammer registered in the department in pursuance of these regulations;
  - “these regulations” means the Forest Regulations, 1957;
  - “timber worker” means the holder of a certificate of registration issued under the provisions of these regulations;
 expressions used have the same respective meanings as in the Act.

#### Registration of Timber Workers.

4. (1) No person (except mill-hands, navvies and general labourers) shall engage or be employed in the timber industry, or in the cutting or removal of forest produce, on the area of any permit or license granted under the Act, unless the name and address of the person so employed is registered in the Department. But the Conservator may exempt from the provisions of this regulation any persons employed by the holder of a license issued under these regulations.

(2) No person shall employ any other person (except mill-hands, navvies and general labourers) in the timber industry, or in the cutting or removal of forest produce on the area of any permit or license granted under the Act unless the name and address of the person so employed is registered in the Department. But the Conservator may exempt from the provisions of this regulation the holder of a license issued under these regulations.

5. (1) A certificate of registration shall only have effect for the year of registration ending on the 31st day of December and may be annually renewed.

(2) A fee of 2s. 6d. is payable for every registration and for the annual renewal thereof.

6. Application for registration of a person as a timber worker shall be made to the forest officer in whose district the timber worker is employed.

7. An application for registration shall be in writing, and shall be accompanied by such particulars as the Conservator may from time to time require.

8. A certificate of registration shall be issued to every timber worker whose name and address is registered.

9. A timber worker shall, on demand, produce his certificate of registration to any officer of the Department.

10. A timber worker shall, before engaging in or taking up employment in the timber industry on any area other than the area specified in his certificate of registration, apply to the forest officer in charge of the district in which the new area is situated for an indorsement on such certificate of a description of the new area and the name of the permit holder, or contractor (if any), and the forest officer shall certify the same by his signature to the indorsement on the certificate of registration.

11. An application for the renewal of registration must be accompanied by the previous certificate or a certified copy.

12. A certified copy of a certificate of registration may be obtained on application to the Conservator on payment of the fee of ten shillings (10s. 0d.).

13. No timber worker, unless his certificate of registration is limited and restricted to the carting and removal of forest produce, shall be engaged or employed in the timber industry otherwise than on the area specified in or indorsed on his certificate of registration.

14. A certificate of registration shall be held by a person engaged or employed in carting or removing forest produce, and it shall not be lawful for any person to be so engaged or employed, unless the name and address of the person so engaged or employed is registered in the Department. But the Conservator may exempt from the provisions of this regulation the holder of a license or any person employed by the holder of a license issued under these regulations.

15. Any registration may be cancelled by the Conservator for a breach by the timber worker of the provisions of the Act or of any of these regulations.

#### Brands.

16. Every faller and hewer shall provide himself with a distinctive branding hammer, to be purchased from the Conservator or other officer authorised by him and for which a registration fee of five shillings (5s.) is payable.

17. (1) No branding hammer shall be used by a timber worker unless it is registered in the Department.

(2) The registration of a branding hammer may be cancelled at any time by the Conservator, or an officer authorised by him for breach by the timber worker of any of these regulations.

(3) A timber worker who, after being advised of the cancellation of the registration of his brand, continues to use the brand, shall be guilty of a forest offence.

18. Every faller and hewer shall, immediately after a tree is felled by him, distinctly brand the stump with his registered brand on the surface caused by the felling, and shall, before timber is removed from the stump, distinctly brand with his registered brand one end of each section into which the log shall have been sawn, hewn or split.

19. No brand shall be used by a permit holder or timber worker for the branding of timber unless it is registered in the office of the Conservator, and only brands so registered shall be recorded in the log and mill landing books prescribed by these regulations.

20. (1) A person owning private forest shall register in the Conservator's office and retain the use of a branding hammer whereby timber cut in or proceeding from his holding may be distinguished from any other timber.

(2) No person shall remove from the holding on which it has been felled any timber obtained from private forest unless it is first branded with the registered brand of the owner of such private forest on one end of each section into which the timber is sawn, hewn or split.

21. An application for registration of a brand for the purpose of branding timber obtained from private forest shall be made in writing by the owner of the forest, and shall contain such particulars as the Conservator may require. A fee of five shillings (5s. 0d.) is payable for such registration and, if desired, a branding hammer may be purchased from the Conservator.

22. It is an offence for the owner, manager or a person for the time being in charge of a sawmill registered under the Timber Industry Regulation Act, 1926-1950, to have in his millyard any log timber not distinctly branded with a registered brand.

23. No person shall remove from State Forest, timber reserve, Crown land or alienated land with the timber reserved to the Crown, any log timber unless it is distinctly branded with a registered brand.

24. (1) No person shall make improper use of a brand registered in the Department under these regulations.

(2) Without limiting the general application of these regulations, a person shall be deemed to have made improper use of a registered brand who places or causes or suffers to be placed—

- (a) the registered brand of a faller or hewer on any timber which has been felled or cut by any person other than the registered holder of the brand;
- (b) the registered brand of the owner of any private forest on timber which has been cut, obtained or removed on or from private forest owned by any other person;
- (c) the registered brand of the owner of any private forest on timber which has been cut, obtained or removed on or from Crown lands.

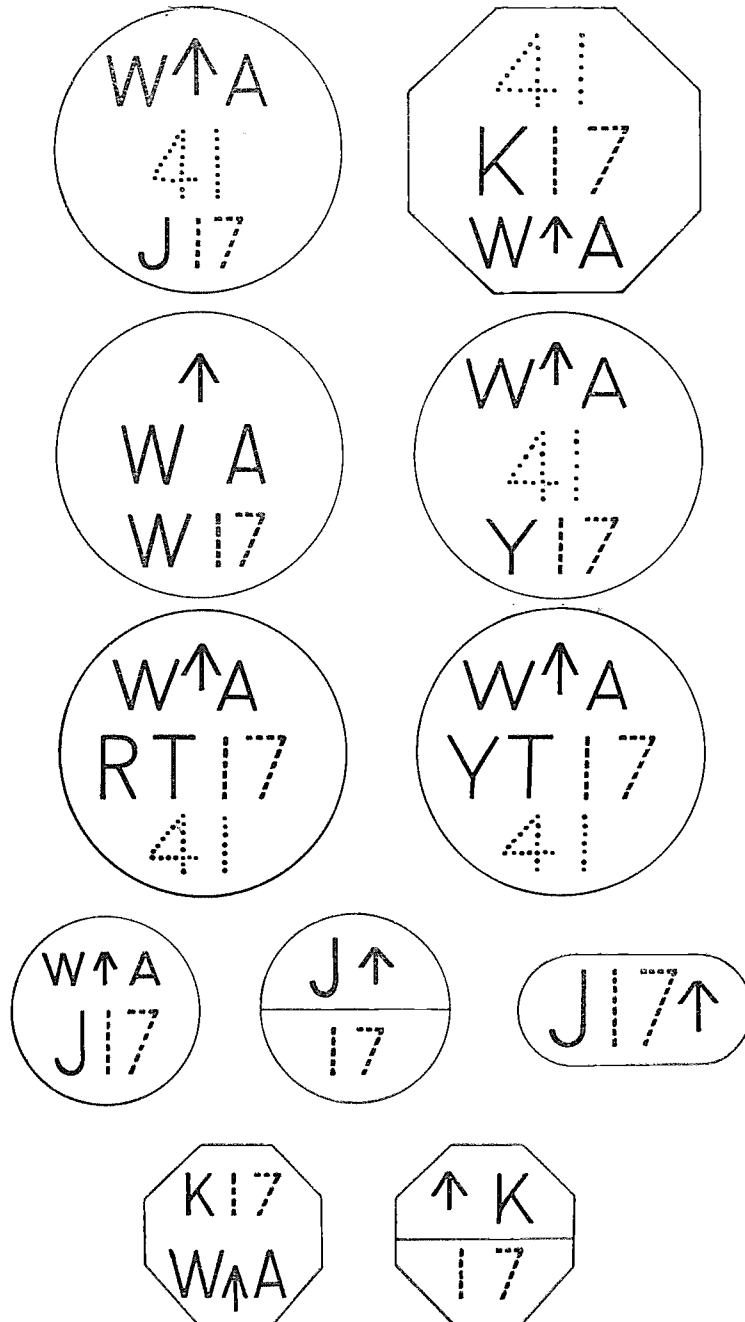
25. No person shall counterfeit, alter, obliterate or deface any registered brand used in pursuance of these regulations.

26. No person shall place, or cause or suffer to be placed, on any timber or other forest produce, any mark, sign or brand in such manner as may be calculated to deceive, or for the purpose of deceiving, any forest officer either—

- (a) as to the person by whom such timber was felled or cut; or
- (b) as to the area of land on or from which the timber was cut, obtained or removed.

27. The brands set out hereunder are used by authorised forest officers and the use of the brands by any other person for the marking or branding of forest produce is prohibited:—

(a) To signify that timber inspected is in accordance with the appropriate specifications:—

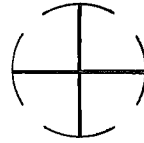


The figures shown by dotted lines on the large brands are changed annually and denote the year of inspection. The figures shown by broken lines denote the registered number of the officer inspecting, and the letter prefacing these numbers denote—

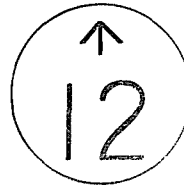
J—Jarrah.  
K—Karri.  
W—Wandoo.

Y—Yarri.  
RT—Red Tingle.  
YT—Yellow Tingle.

(b) To signify that the timber inspected is not in accordance with the required specifications:—



(c) To signify the month during which timber was inspected:—

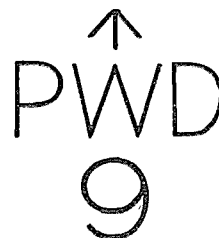
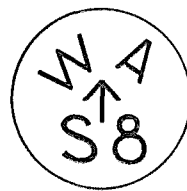


The figures indicate the month of inspection.

(d) To signify that the timber or other forest produce has been seized by a forest officer:—



(e) For other purposes:—



The figures signify the number of the brand on issue to the forest officer or district.

28. It is unlawful for any person, without authority under the Act or these regulations, to make or use or have in his possession any instrument or brand used by forest officers for marking or branding forest produce.

29. No person shall, without authority under the Act or these regulations, make, use or have in his possession any instrument for branding forest produce which bears an outer circle or outline similar to those on brands used by forest officers for branding timber, or which might be used for counterfeiting such brands, or which so closely resembles such brands as to be calculated to deceive.

30. No person shall counterfeit, deface or obliterate any brand or mark placed on forest produce by forest officers.

31. No unauthorised person shall make use of or have in his possession any Government timber brand, or any brand which might be used to counterfeit a Government timber brand.

#### Permits—General.

32. An application for a permit shall be made to the Conservator in writing, in the form provided for the purpose, and shall be accompanied by a deposit of two pounds (£2).

Form No. 1,  
First  
Schedule.

33. A permit may be in the Form No. 1 in the First Schedule to these regulations and shall be granted subject to the payment by the holder of royalties for all forest produce taken thereunder.

34. The Conservator may, where and to the extent that he considers the circumstances of any particular permit so require, alter or add to the conditions of any permit.

35. Every permit shall, except as otherwise provided in these regulations, be submitted to public auction or tender, and the royalties to be paid shall be fixed until re-appraised by the Conservator.

36. A permit may be issued without being submitted to public auction or tender, where the aggregate royalty payable in respect thereof does not exceed fifty pounds (£50).

37. (1) Where a permit is submitted to public auction or tender, a reserve price per unit of measurement of timber or other forest produce may be fixed by the Conservator.

(2) Where a permit is submitted to tender, the highest or any tender need not necessarily be accepted.

38. The successful bidder or tenderer shall pay such demarcation fee as may be fixed by the Conservator, not being less than ten pounds (£10) nor more than the survey fee of twenty pounds (£20) per mile. But the Conservator may at any time require a survey of the boundaries of the area to be made by a licensed surveyor, and the permit holder shall pay the survey fee at the rate aforesaid.

39. The holder of every permit other than a sawmilling permit or hewing permit shall, within three (3) days of the end of the calendar month, forward to the local forest officer a return, verified by statutory declaration showing the quantity of forest produce obtained or removed during the preceding month.

40. The Conservator may direct that any timber cut under permit or license shall be held at the stump until the timber has been tallied for royalty purposes by an officer of the Department.

41. Accounts for royalties and inspection fees due shall be delivered or forwarded by post or otherwise by an officer of the Department to the permit holder as soon as practicable after the expiration of every month, and the permit holder shall pay the amount stated in the account within the calendar month following the month during which the forest produce was obtained or inspected, and no alleged inaccuracy in the account shall be an excuse for delay in payment beyond the prescribed time; but any proved inaccuracy shall be taken into consideration in any subsequent account, or a refund may be made of any overcharge proved to the satisfaction of the Conservator.

42. Where any royalties or fees payable under a permit are not paid within the time prescribed under regulation 41 of these regulations, the Conservator or any officer acting on his behalf may prohibit the felling, sawing, and removing of timber, or the taking of other forest produce to which the permit may relate, and may seize all timber felled or forest produce obtained, the property of the permit holder, that may be found upon the land comprised in the permit, sawmill site, or timber depot.

43. Any breach of the conditions of a permit or license shall be deemed an offence against these regulations.

44. The holder of a permit shall not, without the permission in writing of the Conservator, cut or remove timber or other forest produce from any other Crown land, or from any freehold or leasehold land while he is operating upon the land held under permit.

45. The rights conferred upon a permit holder by the Act and these regulations shall not affect the right of the Conservator, or any person claiming under him, to occupy or use the land therein comprised for any purpose consistent with the rights conferred by the permit.

46. The right is reserved to the Crown at any time during the continuance of a permit to sell, lease or otherwise dispose of any Crown land within such permit area which, in the opinion of the Conservator, has been denuded of marketable timber, and the excision of which from the permit area will not interfere with the proper enjoyment of the rights and privileges conferred under the permit.

47. Notwithstanding anything contained in these regulations, but subject to the Act, the Conservator may enter into any agreement with the holder or intending holder of a permit or license, with the object of imposing any other conditions, in addition to those provided for in these regulations, which may be deemed advisable, and such conditions shall be deemed to be prescribed by these regulations, and the conditions and terms of the permit or license may be so altered or framed as to give effect to the agreement.

48. The holder of a permit, if so required by an officer of the Department, shall carry stores or equipment for use by employees of the Department, or for persons contracting to carry out works for or on behalf of the Department, and timber or other forest produce over any tramline constructed on and from his permit area to the Government railway at a freight of not exceeding one penny per ton per mile.

49. (1) With the approval, in writing, of the Conservator, a permit holder may, for such period not exceeding six months, as the Conservator may think fit, after the expiration or sooner determination of his permit, remove from the area of the permit, his buildings, plant, machinery and effects, including any timber or other forest produce lawfully acquired.

(2) Any buildings, plant, machinery and effects not removed within the period approved by the Conservator shall become the property of the Crown.

50. The Conservator or any officer of the Department may, in the performance of his duties under the Act and these regulations, at any time enter upon any land the subject of a permit, and into any sawmill or other building thereon or pertaining thereto and inspect the plant and machinery and the timber or other forest produce.

51. The holder of a permit or license under these regulations shall retain for a period of two years all books of account, wages sheets, mill landing books, mill returns, and other documents, and shall, whenever required so to do, produce for inspection by the Conservator or any person acting with his authority all those books of account, wages sheets, mill returns and other documents to enable the royalties payable to be ascertained, but any information so obtained shall not be disclosed otherwise than in the performance by an officer of his official duties.

52. (1) Notwithstanding any condition contained in a permit or license, the Conservator may direct that timber or other forest produce shall not be removed from where it is felled or obtained, or from any other specified place, until the royalty due thereon has been paid.

(2) Any timber or other forest produce on which royalty is due shall at all times be open to inspection by an officer of the Department, who may seize the same should he have reason to believe that it may be removed in contravention of such a direction.

#### Sawmilling Permits.

53. (1) A permit relating to timber for sawmilling entitles the holder thereof, subject as in this regulation provided, to the sole and exclusive right to cut and remove such species and classes of timber as is specified therein on and from the area described in the permit. But it is lawful for any person, acting with the authority of the Conservator, to cut and take away on and from the area any indigenous timber that may be required for making or keeping in repair any railway, or for any other works and purposes of public utility or convenience, or other immediate local requirements, without making the holder of the permit any compensation in respect thereof.

(2) A permit holder referred to in subregulation (1) of this regulation, or a manager appointed by him, and every person employed by the permit holder, or his manager, as a timber worker, or in the carting or removal of timber, shall hold a certificate of registration under these regulations.

54. A sawmilling permit granted under the Act after the coming into operation of this regulation shall be deemed to be granted, unless and to the extent that the Conservator shall otherwise agree, upon the condition that the holder of the permit shall, within a period to be agreed upon commencing from the date on which the permit is granted, and on a site approved by the Conservator, erect a fully equipped mill for sawing and treatment of timber of such capacity as to be capable of sawing and treating the maximum amount of log timber which the holder of the permit is permitted to fell, cut and remove each month during the term of the permit and according to plans and specifications approved by the Conservator and shall thereafter maintain the mill in efficient working order.

55. If the holder of a permit referred to in subregulation (1) of regulation 53 commits a breach of or fails to observe any of the conditions of the permit, the Conservator may, by notice in writing given to the holder, cancel the permit, which shall thereupon cease to have any further force or effect.

56. (1) A permit holder shall confine his operations to certain defined coupes of the area marked from time to time under the directions of an officer of the Department.

(2) At the expiration of such period as the Conservator may fix, the coupes denuded of matured timber shall be closed from further cutting by the permit holder.

(3) It is unlawful for the permit holder to fell any tree on any portion of the area so closed, unless authorised by the Conservator.

57. (1) Where a permit holder fails to maintain his log intake in accordance with the conditions set forth in his permit, he shall pay at least 60 per centum of the royalty computed on his maximum authorised log intake.

(2) Where in the opinion of the Conservator a permit holder fails so to maintain a log intake for what the Conservator in his discretion considers an unreasonable period, the Conservator may reduce the area of the permit proportionately.

58. (1) (a) The books to be kept by the holder of a sawmilling permit under which the royalty is payable on the cubic contents of the logs obtained shall be as prescribed in subregulation (2) of this



regulation, and the holder shall correctly enter in each book the particulars therein specified, unless alteration of any particular is allowed in writing by the Conservator.

(b) No excision of leaves or particulars shall be made by any person from any book so kept, except as prescribed.

(2) (a) A mill landing book, to be supplied by the Conservator, shall be kept at the mill, and therein shall be correctly recorded immediately on delivery the correct measurements of all mill logs or other timber deposited in the mill yard or authorised depot.

(b) A log book to be supplied by the Conservator shall be kept at the mill and therein shall be correctly recorded each day in duplicate, by the carbon process, the details of all log and other timber received at the sawmill or authorised depot.

59. (1) The holder of every sawmilling permit or his manager or other person for the time being in charge of any mill yard pertaining thereto shall mark or cause to be marked by a distinguishing number to the satisfaction of the Forester in Charge, and in consecutive order, each and every log and any other timber, immediately on delivery at the mill yard, or on arrival at an authorised depot; which number shall be shown in and correspond with the entry of particulars relating to that log or timber in the prescribed mill landing and log books.

(2) If any log is found in the mill yard or at an authorised depot without being marked by a distinguishing number, and entered in the Mill Landing Book as required by these regulations, the holder of the sawmilling permit and his manager or other person in charge of the mill yard as aforesaid shall be guilty of an offence against this regulation.

60. The method of measuring and recording the dimensions and volume of logs shall be as follows:—

- (a) (i) In the Mill Landing Book shall be entered for each log the number of the log, the length, and the girth; in the case of butt logs, the length shall be measured from the top of the sloven to the saw-cut at the crown end of the log, and for other logs the length shall be measured from end to end.
- (ii) The measurements shall be entered in feet only, and for the purpose of such entries, nine inches or over shall be entered as an additional foot, but under nine inches shall be omitted.
- (iii) The girth of butt logs shall be measured at a point equi-distant from the top of the sloven and the crown end of the logs, and of other logs at a point equi-distant from both ends of those other logs.
- (iv) A deduction of one inch in girth measurement may be allowed for each foot of bark on the log under the tape, but no deduction for bark shall exceed a maximum of eight inches.
- (v) In the event of a log having an abnormal swelling in the centre, the centre girth shall be ascertained by taking the average of the girths at each end, but both measurements and the centre girth so calculated shall be entered in the Mill Landing Book.
- (vi) All girth measurements shall be entered in feet and inches.
- (b) (i) The lengths and girths of all logs entered in the Mill Landing Book shall be transferred to the Log Book, and the dimensions so transferred shall be true copies of the respective entries in the Mill Landing Book.
- (ii) The volume of each log shall be entered in the Log Book from the current Table of Cubic Contents of Logs as issued by the Department.

61. (1) At the end of each calendar month, the permit holder shall cause his log book to be ruled off and the sheet marked "original" to be excised.

(2) The "original" verified by a statutory declaration, shall be forwarded to the local forest officer within three days of the end of each calendar month, together with a summary showing for each month:—

- (a) the total quantity of log timber removed to the mill landing from Crown lands held under permit;
- (b) the total quantity of log timber removed to the mill landing from other Crown land or from any freehold or leasehold land under permission granted by the Conservator in accordance with regulation 44 of these regulations;
- (c) the estimated quantity of log timber cut on Crown lands, but not removed to the mill landing;
- (d) the quantity of log timber put through the mill;
- (e) details of the sawn timber converted from log timber at the sawmill;
- (f) particulars as to disposal of sawn timber;
- (g) particulars relating to the number of men employed;
- (h) any other particulars required by the Conservator.

62. It is unlawful for the holder of any sawmilling permit, or any person employed at or in connection with any log landing or sawmill, to use, or cause or suffer to be used, any inaccurate or un-serviceable measuring tape for the purpose of carrying out the requirements of regulations directly or indirectly involving the measurement of timber.

#### Mill Sites.

63. (1) The Conservator may grant to the holder of a permit or license authority to hold an area not exceeding fifty (50) acres, as a mill site, during the currency of his permit, at a rent of three pounds (£3) per annum for every ten (10) acres or part of 10 acres.

(2) Application for a mill site, defining the position thereof, and accompanied by a deposit of two pounds (£2) shall be lodged with the local forest officer.

#### Timber Tramway Permits.

64. The Conservator may grant permission to construct, retain, and use timber tramways for the removal of timber or other forest produce from the area of any permit or license at a rent of fifteen shillings per mile per annum, or any lesser period. But no rent is payable on shunts of less than ten (10) chains in length.

65. (1) A permit holder desiring to retain, construct or use a timber tramway, shall make application annually in writing to the Conservator, and the application shall be accompanied by a plan showing—

- (a) the tramlines constructed which he desires to retain for the ensuing twelve (12) months;
- (b) new tramlines which he proposed to construct during the ensuing twelve (12) months, indicating the positions of landings;
- (c) the area over which he desires to conduct felling operations during the ensuing twelve (12) months.

Form No. 2  
First Sched.

(2) (a) If the proposed tramline construction is approved by the Conservator, a permit may be issued in the Form No. 2 in the First Schedule, with such modification thereof, and subject to such further conditions (if any) as the Conservator may think fit.

(b) No tramway construction shall be commenced until a tramway permit has been issued by the Conservator.

66. Before felling operations are commenced by a permit holder or licensee in an area in which a timber tramway has not been constructed or in which a timber tramway constructed with the permission of the Conservator is not being used the permit holder or licensee shall submit for approval by the Conservator with his application for a permit or license, as the case may be, a plan showing the approximate area over which it is desired to conduct felling operations and the location of the main haulage roads it is proposed to use or construct from such area to the sawmill.

#### Hewing Permits.

67. All hewn timber obtained from Crown lands shall be inspected or tallied by an officer of the Department, who shall, immediately after inspecting or tallying the timber, submit to the Conservator a return setting out particulars of the timber inspected or tallied.

68. (1) The holder of a permit on which hewn timber is being obtained shall, with all despatch, remove all timber so obtained to approved stacking sites for inspection.

(2) One or more stacking sites shall be nominated by the permit holder and approved by a Forest Officer, for each permit held, and all hewn timber obtained from each holding shall be stacked separately on the respective sites. But, where permits on which the same royalty is payable have been amalgamated with the approval of the Conservator, hewn timber from a group of holdings so amalgamated may be stacked on the same site.

69. It is unlawful for any person to hew from timber acquired under a permit heart-free beams over 12 feet in length.

70. (1) A permit granted to hew sleepers does not confer on the permit holder the right to hew timber—

- (a) over 12 feet in length of any cross sectional measurement;
- (b) over 60 square inches cross sectional measurement of any length.

(2) A permit holder who desires to hew crossing timbers or beams the length or cross sectional measurements of which are in excess of those referred to in subregulation (1) of this regulation shall first apply for and obtain the approval of the Conservator in writing to such hewing.

#### Business and Residence Permits.

71. (1) The Conservator may, from time to time, set apart any portion of the area over which the sole right of cutting timber is granted by any permit, not being a sawmill site, or any other area of land under the control of the Conservator, for occupation by workmen and others employed in connection with that permit, or other persons supplying or ministering to the wants of the workmen.

Form No. 3,  
First  
Schedule.

(2) A person referred to in subregulation (1) of this regulation may on application by him be granted a "Residence Permit" or "Business Permit" in the Form No. 3 in the First Schedule to these regulations on payment of a rent of Three pounds per annum.

#### Apiary Site Permits.

Form No. 4,  
First  
Schedule.

72. A permit for the purpose of bee farming may be granted in the Form No. 4 in the First Schedule to these regulations, with such modifications thereof and subject to such further conditions as the Conservator may think fit, and shall confer on the holder the right to occupy an area of land, not exceeding three acres, as an apiary site.

73. (1) Every applicant for an apiary site permit shall be actively engaged in the occupation of bee farming, and shall have at least twenty-five hives of bees in this State.

(2) No person shall hold more than four apiary site permits for every fifty hives of bees in his possession.

74. No person shall be granted an apiary site permit on Crown lands within two miles of an apiary site granted to any other person.

75. The rental for an apiary site permit is five pounds (£5) per annum and is payable in advance.

76. A deposit of not exceeding twenty pounds (£20) may be required by the Conservator before issue or renewal of an apiary site permit, as a guarantee for the observance and performance of the conditions contained therein.

77. Any person who occupies or uses any Crown lands for the purpose of an apiary site, without first obtaining a permit from the Conservator, is guilty of a forest offence.

#### Forest Leases.

78. An application for a forest lease shall be made in writing to the Conservator, and shall be accompanied by a deposit of two pounds (£2).

79. A lessee may be required to pay a demarcation fee of five pounds (£5) per mile for the first five (5) miles and two pounds ten shillings (£2 10s.) per mile for each additional mile.

80. (1) Upon the revocation in whole or in part of the dedication of any Crown land as a State Forest, that land, if held under a Forest Lease, shall thereupon be excised from such lease. But the Conservator shall endeavour to make arrangements with the Department of Lands and Surveys that, in the event of any person selecting the whole or any portion of the area within that Forest Lease under the Land Act, 1933, the granting of a lease to the selector will be made on condition that the fair value is paid to the forest lessee for all lawful improvements made by him, and existing on the land of which the forest lessee has been deprived, or which, being outside such land but comprised within the lease, have been rendered valueless or reduced in value by such deprivation.

(2) The value of the improvements referred to in sub-regulation (1) of this regulation shall be determined in accordance with the procedure laid down in Part 111 of the Land Act, 1933.

#### Rents.

81. (1) Except where otherwise specially provided by the Conservator, all rents shall be paid annually in advance to the Conservator, at the office of the Forests Department, Perth, or of any other person authorised by the Conservator to receive rents.

(2) If a lessee or permit holder fails to pay the rent due by him within thirty days of the due dates, his lease or permit may be forfeited by the Conservator.

#### Timber Inspection.

82. (1) Upon payment being satisfactorily arranged for, an officer of the Department may inspect timber, and brand with the inspection brand, all such timber as he may consider to be within the agreed specifications, and that brand shall be deemed a certificate from the Department that the timber passed is true to name and within the agreed specifications.

(2) No responsibility shall attach to the Conservator, in the event of any loss or damage arising out of errors or omissions on the part of the Forest Officer carrying out the inspection.

83. Immediately upon completing an inspection of timber, the Forest Officer carrying out the inspection shall prepare a true return, setting out particulars of the quantity, origin and destination of each size and species of timber inspected, and the person applying for the inspection, or his representative present at the inspection, shall sign the return.

84. (1) Timber presented for inspection shall be turned and shown to the satisfaction of the Forest Officer carrying out the inspection.

(2) In the event of insufficient or unsatisfactory labour being provided for the satisfactory handling of timber at any inspection, the officer may decline to inspect same, and any costs incurred by the Department in connection therewith shall be payable by the person applying for the inspection.

85. In the event of any interference with a Forest Officer during the progress of an inspection by contractors or persons employed in the cutting of the timber, or in turning the timber for inspection, the Forest Officer may decline to proceed with the inspection, and any costs incurred by the Department in connection therewith shall be a charge against the contractor or other person applying for the inspection, and shall be payable to the Conservator before any further inspection of the timber is made.

86. Before hewn timber or piles or poles obtained from private forest is departmentally inspected, that timber shall be branded with the registered brand of the owner of the private forest.

Second  
Schedule.

87. The fees for the inspection of round, sawn and hewn timber, shall be at the rates prescribed in the Second Schedule to these regulations.

#### Licenses—General.

Form No. 5,  
First  
Schedule.

88. A license may be in the Form No. 5 in the First Schedule to these regulations, with such modifications thereto and subject to such further conditions as the Conservator may think fit, and may authorise the licensee, in common with other licensees, if any, to cut or remove such forest produce as is therein specified on and from the Crown land therein defined.

89. A license may be issued for any period not exceeding twelve months, subject to the payment by the licensee of such fees or royalties as may be fixed by the Conservator.

90. A license is subject to the Act and the regulations, and to such conditions (if any) as may be therein expressed.

91. Unless otherwise specially provided in the license by the Conservator, a license for the cutting of timber in any part of the State outside the South-West and Eucla Land Divisions does not confer on the licensee the right to fell, cut, injure or destroy any tree growing within a radius of twenty chains from any well, watering trough, waterhole, river, homestead or shearing shed, on any reserve, common, pastoral lease and other Crown land.

92. Every licensee shall produce his license for inspection whenever required so to do by any officer of the Department.

93. If any licensee unnecessarily destroy, or cause unnecessary destruction of trees or forest produce, he shall be guilty of an offence against this regulation.

94. The Conservator, or any authorised officer, may cancel or suspend any license, if the licensee obstructs any officer of the Department in the execution of his duty, or infringes any provision of the Act or these regulations, or fails to comply with the conditions of his license.

#### Sandalwood Licenses.

95. No license shall be granted for the cutting, pulling, or removal of living sandalwood trees on and from the following reserves and the area of Crown land defined hereunder:—

- (a) Sandalwood Reserve No. 19211, Calooli.
- Sandalwood Reserve No. 19212, Yellari.
- Sandalwood Reserve No. 19214, Lakeside.
- Sandalwood Reserve No. 19825, Bullock Holes.
- State Forest No. 8, Karramindie.

- (b) The Crown lands, or any portion of the Crown lands, within the area bounded by a line commencing from Kalgoorlie and extending along the Government railway line to Coolgardie, and thence along the Government railway line from Coolgardie to Widgiemooltha, thence across Lake Lefroy in a North-Easterly direction to the Thirty-seven-Mile peg on the Trans-Australian railway line, thence along the Trans-Australian railway line to Kalgoorlie.

96. No licensee, registered sandalwooder, or other person shall cut or pull or remove on or from Crown land any living sandalwood tree, or clean any sandalwood tree, so cut, pulled, or removed, of smaller dimension than as defined hereunder, that is to say, any sandalwood tree—

- (a) of less than thirteen (13) inches in circumference, measured over the bark at six (6) inches from the ground level; or
- (b) the log of which, when cleaned of sapwood, is less than ten (10) inches in circumference, measured at a point equivalent to six (6) inches above ground level.

97. No person shall supply to any licensee or other person, in fulfilment of any order from such licensee or other person—

- (a) any sandalwood tree of less than thirteen (13) inches in circumference, measured over the bark at six (6) inches from the ground level; or
- (b) any sandalwood log which, when cleaned of sapwood, is less than ten (10) inches in circumference, measured at a point equivalent to six (6) inches above ground level,

being the product of any living sandalwood tree cut or pulled on Crown land.

98. The Conservator may require any sandalwood which is to be exported to any place beyond the Commonwealth of Australia to be inspected by an officer of the Forest Department.

99. Application for a license to pull or remove sandalwood on and from land alienated from the Crown shall be made to the Conservator in writing, and shall be accompanied by such particulars as the Conservator may require.

100. Any person applying for a license other than the grantee or lessee of alienated land from which it is desired to pull or remove sandalwood may be required to produce to the Conservator authority in writing from the grantee or lessee to pull sandalwood from the land therein specified.

Form No. 6  
First Sched.

101. A license to pull or remove sandalwood from alienated land may be in the Form No. 6 in the First Schedule to these regulations, and shall authorise the licensee to pull and remove the quantity of sandalwood therein specified on and from the alienated land therein defined.

102. (1) A license under regulation 101 of these regulations may be issued for any period not exceeding six months from the date thereof.

(2) No extension of any license shall be granted in the event of a licensee failing to fully exercise his rights by pulling and removing the quantity of sandalwood therein specified within the term of the license. But a licensee may make application for a further license in respect of sandalwood not pulled or removed under a previous license, and such an application shall be dealt with in order of its priority.

103. (1) All sandalwood pulled under the authority of a license granted under regulation 101 of these regulations shall be inspected by an officer of the Forest Department.

(2) The fee payable to the Department for the inspection shall be at the rate of two pounds (£2) per ton, and shall be paid before the sandalwood is branded.

104. It is an offence for any person to furnish any false, incorrect, or misleading statements, particularly with reference to the ownership of alienated land, or the ownership of sandalwood on alienated land, with a view to obtaining a license under these regulations.

#### Pole and Pile Licenses.

105. An applicant for a license to cut poles or piles may be required to produce a current order for poles or piles.

106. All poles and piles obtained from Crown lands shall be inspected or tallied by an officer of the Department. But in districts where no Forest Officer is available to inspect or tally poles and piles, the Conservator may agree to the timber being removed without being first inspected or tallied, subject to the licensee submitting a return to the Conservator at the end of each month during the period of his license, giving full particulars of the sizes and number of poles and piles obtained.

107. The royalties and inspection fees on poles and piles shall be at such rates as shall be determined from time to time by the Conservator.

#### Mallet Bark.

108. No mallet bark acquired under license or permit shall be stripped before the tree is felled.

109. Every person employed in the stripping of mallet bark under a license or permit shall strip all limbs of a diameter of not less than two inches, as well as the bole of all mallet trees felled by him.

110. No mallet trees shall be stripped of bark during the period from the 15th November in each year until the 15th June in the following year, unless otherwise approved by the Conservator.

111. No mallet tree under ten inches in circumference, measured over the bark at three feet from the ground or any lesser height, shall be felled or stripped by virtue of a license or permit, or by virtue of an order issued under the authority of a license, unless expressly provided therein.

#### Timber for Coal Mining.

112. The right conferred by section thirty-nine of the Act on a lessee of a mining lease, or the holder of a mining tenement granted or held under the Mining Act, 1904, as amended, or the regulations thereunder, to take from the land demised or held such timber as may be required for mining purposes thereon, may be exercised by a lessee of a coal mining lease under and subject to these regulations, and the amendments thereof, so far as the regulations relate to permit holders, and such of these regulations as are applicable to permit holders shall apply to every lessee of a coal mining lease as if the right conferred by that section were exercised under and subject to the conditions of a permit.

113. If a coal mining lease held under the Mining Act, 1904, as amended is situated within the boundaries of a State Forest or Timber Reserve, the lessee shall be liable to pay royalty for all timber taken from his land for mining purposes at the rate of royalty prescribed from time to time by these regulations.

#### Collection of Forestry Statistics.

114. (1) Every person, firm or incorporated body engaged, whether as principal or agent, in obtaining, holding, removing, converting, buying, consigning, exporting, treating or utilising any timber or other forest produce shall, on demand by the Conservator, or any forest officer, and within fourteen (14) days of the date

of that demand make and furnish a declaration or other statement in writing as to the quantity and description of timber and forest produce obtained, held, removed, converted, purchased, consigned, exported, treated or utilised during a given period, and the place from which it was obtained and the place to which it was or is intended to be consigned.

(2) A person who refuses or within fourteen days of a demand fails to make or furnish any declaration or statement, or who makes a declaration or return which is incorrect or misleading, shall be guilty of a breach of this regulation.

#### General.

115. (1) No person shall trespass on any portion of a State Forest or Timber Reserve which is the subject of planting or regeneration, and on which notices have been exhibited that trespassing is prohibited.

(2) No person shall, in any State Forest or Timber Reserve, use any road or track constructed or maintained from funds provided under section 41 of the Act when a notice is exhibited on such road or track that the use thereof is prohibited by the Conservator.

(3) No person shall, in any State Forest or Timber Reserve, use any road or track constructed or maintained from funds provided under section 41 of the Act contrary to any regulation or condition prescribed by the Conservator and of which notice is exhibited on such road or track.

116. A person shall, whenever required so to do by an officer of the Department, show the officer the timber cut or other forest produce obtained by him.

117. Any officer of the Department may stop and detain any forest produce within the boundaries of any State Forest or Timber Reserve, or on any public highway within or abutting on any State Forest or Timber Reserve.

118. Any officer of the Department may seize and dispose of any timber or other forest produce unlawfully cut or removed contrary to these regulations.

119. Any person who, without the written authority of a forest officer, cuts, injures, destroys, removes or in any way interferes with any forest produce which has been seized by a forest officer in pursuance of the powers contained in the Act or these regulations, shall be guilty of a forest offence and shall be liable to a penalty of not exceeding one hundred pounds.

120. No tree shall be felled on the area of any permit or license so as to obstruct any railway, tramway, road, track or watercourse, and, if any tree is felled in a manner contrary to this regulation, in addition to the penalty thereby incurred for a breach of this regulation, any officer of the Department may cause the obstruction to be removed, at the cost of the permit holder or licensee, and the cost shall be recoverable in any court of competent jurisdiction.

121. (1) It is unlawful except under a permit or license for any person to strip the bark from any standing tree, or to fell any tree for the sole purpose of obtaining the bark.

(2) A person who commits a breach of this regulation is liable in addition to any penalty incurred for the breach, to pay to the Conservator a sum equal to the value of any trees so damaged.

122. Where it appears to the Conservator that a permit holder or licensee, either by himself or his employees, is—

- (a) causing damage to growing trees or other forest produce;
- (b) not utilising trees felled or other forest produce obtained to the best advantage;



(c) causing waste of timber in felling operations by felling trees at too great a height above ground level;

the Conservator may require payment by the permit holder or licensee of a sum equal to the estimated value of the damage to such trees or other forest produce, or of the loss on the timber or other forest produce wasted, and the amount so required to be paid may be recovered by the Conservator from the permit holder or licensee by action in any court of competent jurisdiction.

123. A timber worker or other person causing damage to growing trees or other forest produce, or not utilising trees felled or other forest produce obtained to the best advantage, or who in felling operations causes waste of timber by felling trees at too great a height above the ground level, shall be guilty of a forest offence.

124. No person shall fell, cut, split, or obtain timber, whether growing or dead, on any reserve set apart for settlers' requirements, except under written permit from the Conservator.

125. No person shall burn any standing tree.

126. The cutting or removal of kurrajong, quandong, red flowering gum baobab (*Adansonia Gregorii*), and Christmas trees and *Livistona Alfredi*, *Livistona Eastoni* and cycad palms of every kind or size is absolutely prohibited throughout the State.

127. The export overseas of karri timber sawn or hewn into sleepers, or in any other form for use in contact with the ground, which has not been treated by a preservative process which has been approved of by the Conservator, is hereby prohibited, except with the written permission of the Conservator.

128. All Karri timber for despatch outside the State, whether it be sawn, hewn or in the form of round logs, is hereby prohibited, unless such timber is distinctly branded to the satisfaction of the Conservator with the letter "K".

129. No person shall hinder or obstruct any officer of the Department in the performance of his duties, and on the breach of this regulation by any permit holder or licensee in addition to the penalty thereby incurred, his permit or license may be revoked.

Third Sched. 130. A person desiring to obtain particulars as to names of permit holders, conditions and terms of permit agreements, or any other particulars affecting the same, may, on payment of the fee prescribed in the Third Schedule to these regulations, obtain the required information.

Third Schedule. 131. Fees shall be payable in respect of the several matters set out in the Third Schedule, according to the scale therein prescribed.

132. It is unlawful for any person to carry or use firearms within any State Forest or Timber Reserve, except with the written consent of the Conservator.

#### Fire.

133. Any person who without reasonable cause refuses or neglects to assist in extinguishing a fire when called upon by a forest officer so to do, under section 47 of the Act, shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding twenty pounds.

134. Any person who, when called upon by a forest officer under section 47 of the Act, renders the assistance required in extinguishing a fire, shall be remunerated for his services at the rate provided for under the Arbitration Court Award between the Australian Workers' Union, Westralian Branch Forestry Workers Industrial Union of Workers and the Conservator as from time to time in force.

135. (1) On any day during the period from the First day of December in each year until the Thirtieth day of April in the following year when dangerous fire weather conditions are forecast or develop, a forest officer in charge of a Forest Division or District may give notice to the manager or other person for the time being in charge of a sawmill, that during the hours specified in such notice no steam engine locomotive shall be run on any tramlines or sections of tramlines being used under the authority of a tramway permit granted under these regulations.

(2) The notice may be given by telephone to the manager or other person in charge of the mill and on receipt of the notice that manager or person shall forthwith take all necessary action to give effect to it.

(3) Failure to comply with a notice given under this regulation shall render the party on whom the notice is served liable to a penalty of not exceeding Fifty (£50) pounds.

136. (1) No person shall trespass within any fenced-off area surrounding any fire look-out tower or fire look-out tree.

(2) No person shall destroy, cut into, deface or in any way damage any fire look-out tower or fire look-out tree, or, without due authority, climb any such tower or tree.

(3) Any person who commits a breach of subregulation (1) or (2) of this regulation shall be liable to a penalty not exceeding fifty (£50) pounds.

#### Spark Arresters.

137. Unless exempted in writing by the Conservator, the owner or person in charge of a locomotive or stationary steam engine used within the boundaries of a State Forest or Timber Reserve, or of the area of a permit or forest lease, shall, during the period from the first day of December in each year until the thirtieth day of April in the following year, or during any other period of which due notice in writing shall have been given by the Conservator, take the following precautions, with the object of preventing the outbreak of fires caused by the falling of sparks and cinders therefrom—

- (a) fit the locomotive or engine with a spark arrester, of a type approved by the Conservator, and maintain the spark arrester in good order and fit for its purpose;
- (b) equip and maintain in good order the ashpan of the engine, to prevent live cinders escaping therefrom.

138. (1) The Conservator or any forest officer, may inspect any locomotive or engine so used for the purpose of ascertaining whether the requirements of these regulations are being complied with, and if after such inspection it is found that the spark arrester has not been fitted, or that the spark arrester, if fitted, is not suitable for its purpose, or that necessary precautions are not being taken to prevent live cinders escaping from the ashpan, may direct that the locomotive or engine shall be withdrawn from service forthwith, and that the same shall not be used until the requirements of these regulations have been met.

(2) The owner or person in charge of the locomotive or engine shall afford to the Conservator or a forest officer reasonable facilities for such inspection and comply with the directions.

139. In the event of any fire being caused within the boundaries of a State Forest or Timber Reserve, or of the area of a permit or forest lease, by falling sparks or cinders from a locomotive or stationary steam engine, the Conservator may recover from the owner of the locomotive or engine damages for injuries to the forest caused by the fire, together with the costs incurred by the Conservator in suppressing such fire.

140. (1) A Sawmilling Permit issued under the Act is held subject to the conditions that the owner thereof shall—

- (a) equip the sawmill erected on the site described in the schedule to the permit with efficient fire-fighting equipment and appliances including an instrument or device to be used as a fire alarm;
- (b) maintain at all times the fire-fighting equipment and appliances in good working order and condition and efficiently train a team of men to work such equipment and appliances;
- (c) ensure that a sufficient supply of water is available at the site of the sawmill in order efficiently to work the fire-fighting equipment and appliances;
- (d) keep the mill cleared of all loose debris, bark, sawdust or other material whatsoever of such a nature as to be likely to increase the risk of fire;
- (e) not burn (except within incinerators approved by the Department) any debris, bark, sawdust or other material whatsoever at any place within one and a half chains from the nearest part of the sawmill;
- (f) arrange periodic inspections of the sawmill during the non-working hours for the purpose of preventing if possible any outbreak of fire in the sawmill;
- (g) immediately after operations in the sawmill cease on each working day, damp down by spraying with water the interior of the sawmill and an area having a perimeter of ten feet from the sawmill.

But where the Conservator considers any of the foregoing precautions are impracticable, he may provide for alternative precautions to be taken.

(2) For the purpose of this regulation any equipment or appliances to be used for fire-fighting and approved by the Department shall be deemed to be efficient fire-fighting equipment and appliances.

#### Penalties.

141. (1) A person who commits a breach of any of the foregoing regulations, or who contravenes or fails to comply with any provision or condition contained in any permit, license or authority granted in pursuance of the Act, commits an offence and shall, for every offence for which a penalty is not otherwise specially provided by the Act or these regulations, be liable to a penalty of not exceeding one hundred (£100) pounds.

(2) The minimum pecuniary penalty for any forest offence shall be one-twentieth of the maximum, and no court shall have power to reduce such minimum.

#### Appointments and Promotions of Officers to the General Division.

142. Except as hereinafter provided in these regulations, a person shall not be appointed or promoted to the following positions unless he has passed such written examinations and practical tests as may be required by the Conservator:—

- (a) Forest Assistant Class 1, above the bar in the classified range.
- (b) Assistant Forester, Class 3.
- (c) Forester, Class 4.
- (d) District Forester, Class 5.

143. The Conservator may exempt any officer from tests in any class of work on which such officer has been regularly employed for a period of more than twelve months and has given satisfactory service.

144. Examinations and tests shall be held in the month of August each year, and persons desirous of submitting themselves for such examinations and tests shall apply in writing not later than the 30th June in any year.

145. The Conservator may refuse permission to any officer to submit himself for the examinations and tests prescribed in regulation 142 of these regulations—

- (a) if he has not served three years in the Department on his existing classification;
- (b) if within the preceding two years he has submitted himself for but has failed to pass the prescribed examinations and tests.

146. An officer, on successfully passing the prescribed examinations and tests shall be listed as eligible for promotion as suitable vacancies occur, subject to good and diligent conduct and capacity to take responsibility and handle men to the extent required in any vacant position.

147. A person seeking appointment or promotion in forest regions other than Jarrah or Karri may be given special examinations and tests, having particular application to the forest types concerned including pine plantations, but the successful passing of those examinations and tests does not qualify the officer for appointment or promotion to vacancies occurring in Jarrah and Karri forest regions.

Reg. 33.

First Schedule.

Form No. 1.

The Forests Act, 1918-1954.

SAWMILLING PERMIT.

No.....

THIS permit to fell, cut, and remove each month during the currency hereof on and from the area described in the Schedule and delineated in the plan attached hereto, a quantity of..... log timber not exceeding..... cubic feet measured in the round for conversion into sawn timber, is granted to..... of..... (hereinafter referred to as the "permit holder"), under and subject to the conditions hereinafter expressed.

1. Subject to the payment of the royalty hereby reserved and the observance and performance by the permit holder of the conditions hereinafter expressed, and of the provisions of the Forests Act, 1918-1954, and the amendments thereof and the regulations thereunder and in force for the time being, so far as such provisions and regulations are applicable hereto, this permit shall continue in force from the..... day of..... 19....., until the..... day of..... 19....., unless suspended or forfeited and cancelled in the meantime.

2. The permit holder shall pay to the Conservator of Forests (hereinafter called "the Conservator"), at the office of the Forests Department, Perth, the royalty of..... for each and every cubic foot of..... log timber measured in the round obtained under this permit, and such royalty shall be payable forthwith as accounts are rendered from time to time by or on behalf of the Conservator to the permit holder: Provided that, if payment be made within the calendar month following the month during which the timber was obtained a discount will be allowed thereby reducing the royalty to..... per cubic foot.

3. ....

4. The permit holder shall, at the end of each calendar month, complete returns showing all timber obtained under this permit during the month and such other information as may be required by regulations, and such returns, verified by statutory declaration, shall be forwarded to the local Forest Officer within three days of the close of each month. In the event of the permit holder failing to furnish returns as herein provided, he may be required to pay royalty computed on the maximum quantity of timber obtainable monthly under this permit.

5. All log timber obtained under this permit shall be sawn at an approved sawmill located or to be erected on the site described in the Schedule hereto. Such sawmill shall be constructed to plans and specifications approved by the Conservator and designed to convert into sawn timber each month efficiently and with a minimum of waste the quantity of log timber authorised to be cut under this permit and no greater quantity. No alterations which may affect the capacity or efficiency of the sawmill as approved shall be made without the prior approval of the Conservator.

Before sawmill erection or reconstruction, as the case may be, is commenced the permit holder shall first apply for and obtain from the Conservator his approval of the sawmill site.

Provided that if approval is given for the sawmill to be located on private property the permit holder shall give free access to the Conservator, his servants and agents, to the land on which the sawmill is situated and to the sawmill and other plant associated therewith and shall operate such sawmill in all respects as if it were erected under the authority of a permit, issued under the Forests Act, 1918-1954 and the regulations made thereunder.

6. Sawmilling operations shall be commenced within..... months of the date of commencement hereof and shall be carried on continuously thereafter unless exempted by the Conservator.

7. The permit holder shall before commencing operations submit to the Conservator plans showing approximately the tramways it is proposed to retain, use and construct during the currency of this permit, and the area over which it is proposed to conduct felling operations during such period. The route of such tramways and the area to be cut over shall be subject to the approval of the Conservator.

No tramway construction shall be commenced until a tramway permit has been issued by the Conservator and accepted by the permit holder and such tramway permit shall be incorporated with this permit.

Provided that in the event of tramways not being used for the extraction of timber the permit holder shall submit to the Conservator plans showing approximately the area over which it is desired to conduct felling operations during the currency of this permit, and the main haulage routes proposed to be used from such area to the sawmill. The cutting section and haulage routes shall be subject to the approval of the Conservator, and when approved all logging operations shall conform with such approval.

8. The permit holder shall from time to time, as required by the Forest Officer in Charge, confine his operations to certain defined coupes within the said cutting section. Such defined coupes shall be worked in an orderly manner to the satisfaction of the Forest Officer in Charge.

9. When logging operations have been completed on any coupe to the satisfaction of the Forest Officer in Charge, such coupe shall thereupon be closed to further cutting by the permit holder. The Conservator may in his discretion employ or authorise any persons

to fell, burn, or otherwise destroy any trees remaining on such closed areas and may arrange for the disposal of any marketable timber thereon as hewn sleepers, poles, piles or otherwise.

10. The right is reserved to the Conservator to excise from the permit area at any time, without compensation to the permit holder in respect thereof:—

- (a) Any area that has been cut over by the permit holder for mill logs or which in the opinion of the Conservator is carrying no trees suitable for sawmilling;
- (b) Any area which may be required for roads, railways, or any other works of public utility, or convenience.

11. The permit holder shall exercise strict supervision and control over the operations of all timber workers employed by him, with a view to preventing any breach of the Forests Act or Regulations and avoiding damage to regrowth and other standing timber during felling and hauling operations.

12. All trees cut into or felled under this permit shall be utilised with the minimum of waste, to the satisfaction in all respects of the Forest Officer in Charge.

13. No mill waste shall be burnt or otherwise destroyed except upon and in accordance with the directions of the Conservator who may require that reasonable facilities shall be afforded by the permit holder to the Conservator or his nominee to remove and use such waste wood.

14. The permit holder is by virtue of this permit entitled only to such portion of a tree as may be converted into sawn timber, and shall not use or dispose of other portions of felled trees without authority. All forest produce from felled trees other than log timber shall remain the property of the Crown.

15. The permit holder shall at his own expense and without delay—

- (a) remove from all roads and tracks through or adjacent to the permit area or from any land the property of an adjoining owner, all logs or other debris of any description; and
- (b) make good any damage to fences, telephone lines or other improvements;

resulting directly or indirectly from his operations.

16. The Forest Officer in Charge may prohibit the use of any roads or tracks for log hauling or may give directions from time to time regarding the roads or tracks on or by which the timber cut under this permit may be removed or taken through any part of State Forest and such directions shall be observed by the permit holder. Any damage to Departmental roads or tracks resulting from the felling or removal of timber by the permit holder shall be repaired by him at his own expense to the satisfaction of the Forest Officer in Charge.

17. The permit holder is hereby authorised to fell, cut and remove such forest produce as herein provided on pastoral or other leases or holdings within the said permit area which do not confer on the lessees or holders the right to forest produce, with full and free liberty to the permit holder, his servants, workmen, and agents with or without horses, carts and other conveyances, at all reasonable times to enter upon, depart from and pass over such pastoral or other leases or holdings for such purpose; provided always that the authority hereby given shall not relieve or be deemed to relieve the permit holder from liability to lessees or holders in respect of any actionable damage caused by the permit holder, his servants, workmen, or agents upon such pastoral or other leases or holdings aforesaid.

18. This permit shall not be construed as authorising the permit holder to cut through, break down or otherwise interfere with any fencing or other improvements erected upon or adjacent to the permit area.

19. The permit holder shall keep closed all gates used by him and shall take all necessary action to prevent the ingress and egress of stock into or from any area within or adjacent to the permit area enclosed by fences which may have been damaged as a result of his operations.

20. No dogs shall be taken on to the area of any forest lease conditional purchase lease or other holding within the permit area or be kept on any such lease or holding by the permit holder or any person employed by him.

21. The permit holder shall not fell any trees on areas under cultivation or established pasture within the permit area except with the written concurrence of the owner or occupier of any such areas.

22. The right is reserved to the Conservator to direct the disposal of logs suitable for peeling into veneer for plywood and veneer manufacture (hereinafter referred to as "peeler logs") in such quantities and under such conditions as he may from time to time determine. Such peeler logs shall be selected and branded as suitable for the purpose by an officer of the Forests Department from logs delivered at or to be delivered on the mill landing by the permit holder.

The Conservator shall pay to the permit holder for such peeler logs a price to be agreed upon between the Conservator and the permit holder, which shall include all reasonable costs incurred by the permit holder in connection therewith, including overheads.

The permit holder shall submit at the end of each month to the Conservator a return of all peeler logs selected and disposed of under the direction of the Conservator.

This permit shall not be construed as a guarantee that the area contains any specific quantity of timber, and the permit holder accepts all risk of quantity, girth, accessibility, and all other like matters pertaining to the timber and the right to fell, saw, and remove the same.

This permit shall not be transferred without the consent in writing of the Conservator.

The permit holder shall observe and comply with the provisions of the Bush Fires Act, 1954, and the amendments thereof and the regulations thereunder and in force for the time being. Any breach of the said Act and/or regulations shall be a breach of the conditions of this permit.

The permit holder and all persons employed by him on the permit area shall at all times during the term of this permit, cooperate with officers of the Forests Department in preventing and suppressing bush fires, and shall, when called upon by any such officer, act under his instructions in fire fighting or preventing outbreaks of fire.

The permit holder shall take all such necessary precautions as may be indicated by a Forest Officer to prevent the occurrence or spread of fires within or adjacent to the permit area.

In the event of an uncontrolled fire occurring or burning on any cutting section of the permit area on which the permit holder or his employees are working or on any area adjacent to any timber tramline, road or track, used by the permit holder or his employees, the permit holder whether he has lighted or caused such fire to be lighted or not shall forthwith take all possible measures to extinguish such fire and shall also issue standing instructions to employees that such action shall be taken in his absence. If assistance is required in extinguishing such fire prompt notification of the circumstances shall be communicated to the nearest available forest officer.

Unless the permit holder can prove to the satisfaction of the Conservator that any fire occurring on the permit area arose without any act or omission on his part or through some cause beyond his control, he shall be liable to the Conservator for damage resulting therefrom and for the payment of any expenses incurred by the Conservator in suppressing any such fire.

As security for the due observance and performance of his obligations under this permit, the permit holder has deposited at the office of the Forests Department, Perth, the sum of £.....

In default of payment by the permit holder of the royalty hereby reserved or of the due observance and performance by him of the conditions of this permit, and the observance by him of the provisions of the said Acts and Regulations, or any of them, to which this permit is subject, the Conservator may suspend this permit for such time as he may think fit, or, by notice in writing to the permit holder, cancel and determine this permit, and thereupon the deposit may be forfeited, together with all timber felled or sawn on the said area, without prejudice to the rights of the Conservator to recover royalty in arrear, and in respect of any other claims against the permit holder.

If any question shall arise as to the observance and performance by the permit holder of the conditions of this permit, or in case of any dispute in relation to the felling, sawing, or removal of timber, or as to the quantity of timber felled, sawn, or removed, the same shall be decided by the Conservator, whose decision shall be final.

Any notice in writing to the permit holder may be served on him by addressing such notice to him, and sending it by post to, or leaving it at his address as stated in this permit.

The permit holder accepts this permit and agrees with the Conservator to observe and perform the condition and obligations of this permit, and to pay the royalty hereby reserved, and all stamp duty in connection with this permit.

The Schedule.

(a) Description of Area—

All that area of land situated within the..... District, containing about..... acres, as more particularly delineated and described in the plan attached hereto.

(b) Site of approved Sawmill.....

Dated at Perth the..... day of..... 19.....

Signed by the Conservator of Forests—

Conservator of Forests.

In the presence of.....

Signed by the Permit Holder—

In the presence of.....

INDORSEMENTS.



Form No. 2.

Forests Act, 1918-1954.

PERMIT TO CONSTRUCT, MAINTAIN AND USE  
TIMBER TRAMWAYS.

No.....

THIS PERMIT to construct, maintain, and use tramways the length of which shall not exceed ..... miles, as shown approximately by red lines on plan attached hereto, is granted to....., of..... (hereinafter called "the permit holder") for the purpose of conveying timber under and subject to the conditions hereinafter expressed.

1. Subject to the payment of the rent hereby reserved and the observance and performance by the permit holder of the conditions hereinafter expressed, and of the provisions of the Forests Act, 1918-1954, and the amendments thereof respectively and the regulations thereunder and in force for the time being, so far as such provisions and regulations are applicable hereto, this permit shall, unless forfeited in the meantime, continue in force for twelve months from the..... day of..... 19.....

2. The permit holder shall pay in advance to the Conservator of Forests (hereinafter called "the Conservator") at the Office of the Forests Department, Perth, a rent of fifteen shillings per mile or fractional part thereof on tramways the construction and use of which is authorised under this permit.

3. This permit is granted in conjunction with Sawmilling Permit No. .... and shall be incorporated with the said permit.

4. The permit holder shall take all necessary precautions to the satisfaction of the Conservator to prevent fires being caused on any land by any locomotive engine, or other motive power used and employed upon or in connection with the said tramways and shall—

- (1) Clear at his own expense along the said tramways such fire breaks as may be required by the Conservator from time to time.
- (2) During the period from the first day of December in each year until the thirtieth day of April in the following year, or any other period of which due notice in writing shall have been given by the Conservator—
  - (a) fit all locomotive engines running on the said tramways with spark arresters of an approved type and maintain such spark arresters in good order and fit for the purpose;
  - (b) equip and maintain in good order the ash pans of all such engines to prevent live cinders escaping therefrom.

5. The rights conferred by this permit shall be subject to such conditions and stipulations as the Conservator may impose and such regulations as may from time to time be prescribed for securing the safety of the public from personal injury or otherwise, and for authorising and regulating inspection and inquiry from time to time by the Conservator or any other authorised person.

6. The permit holder is hereby authorised to clear the necessary right of way for the construction of earth works and may fell all trees on Crown Lands to a width of one chain on either side of the tramway which are in danger of falling and which in the event of falling would obstruct the tramway. Any clearing in excess of this width shall be subject to prior authority being obtained from the Forester in Charge.

7. (a) Any mill logs resulting from such clearing, which in the opinion of the Forester in Charge can be economically utilised by the permit holder, shall be removed by him within three months of the completion of the tramway or any portion of it along which such logs have been felled, subject to the payment of royalty on such logs at the rate prescribed under the Sawmilling Permit.

(b) Any mill logs not removed within such period shall, together with other trees felled which are not suitable for milling, remain the property of the Crown and such timber may be disposed of by the Conservator without compensation to the permit holder, but such action on the part of the Conservator shall not relieve the permit holder from liability to pay royalty on logs referred to in paragraph 7 (a).

8. If the construction of the tramways herein authorised or the felling of trees adjacent thereto, as provided for in clause 6, will result in damage being done to a departmental telephone line, the permit holder shall, before commencing such operations, first notify the Forester in Charge so that he may make the necessary arrangements for the alteration, removal, and/or re-erection of the telephone line, and the permit holder shall on demand pay to the Conservator the cost of such works.

9. Should it be found necessary to cross a departmental telephone line in the course of the construction of the tramways herein authorised, the permit holder shall first notify the Forester in Charge, who will arrange for the construction of a standard crossing, the cost of which shall be payable by the permit holder on demand.

10. The permit holder shall, if so required, make arrangements to the satisfaction of the Conservator for the carriage of Departmental goods and stores for the employees of the Forests Department over tramways operated under the authority of this permit, and shall carry over such tramways free of cost employees of the Forests Department where such transport is necessary to facilitate the operations of the Department.

11. The permit holder shall, if so required, construct, at his own expense and to the satisfaction of the Forester in Charge, suitable crossings where the said tramways cross any cleared road or track, or pass through private property or areas resumed therefrom to provide access to State Forest.

12. The permit holder shall at all times and in all respects at his own cost and expense observe and comply with the lawful requirements of any Road District under the provisions of the Road Districts Act, 1919-1946.

13. This permit is revocable by the Conservator if the said sawmilling permit is revoked, or for breach or non-observance by the permit holder of the conditions of this permit or of any of the provisions of the said Act or Regulations.

14. The permit holder shall, in the event of it being necessary to open a fence forming part of a cattle or sheep-proof enclosure, in connection with the construction of tramways herein authorised, provide and maintain cattle pits or other efficient means to prevent the escape of cattle and sheep from any such enclosed land.

15. The permit holder shall at all times indemnify and keep indemnified the Conservator and the Government of Western Australia against all actions, claims, suits and demands whatsoever which may be made against the Conservator or the Government of Western Australia for compensation as and for damage to persons or property arising directly or indirectly through the construction, maintenance or use of the said tramways.

16. The construction and use of the said tramways upon, over or across any road shall be subject to the provisions of the Road Districts Act, 1919-1946, and the permit holder shall comply with any conditions imposed by the Commissioner of Main Roads or the local governing authority in connection therewith.

Dated at Perth this.....day of.....19.....

.....  
Conservator of Forests.

Reg. 71 (2)

Form No. 3.

Forests Department.

RESIDENCE OR BUSINESS PERMIT.

District Office No.....

Head Office No.....

This Permit authorises..... of (hereinafter referred to as the "permit holder") to occupy as a Business/Residence area for the purpose of..... the area of land approximately described in the Schedule hereto, under and subject to the conditions hereinafter expressed.

Subject to the observance and performance by the permit holder of the conditions hereinafter expressed and of the provisions of the Forests Act, 1918-1954, and the amendments thereof respectively and the regulations thereunder and in force for the time being, so far as such provisions and regulations are applicable hereto, this permit is granted for a period of..... months from the..... day of..... 19....., until the Thirty-first day of December, 19....., and thereafter may continue in force from year to year subject to payment in advance of the prescribed rent.

Rent at the rate of three pounds (£3) per annum shall be payable in advance to the Conservator of Forests (hereinafter called the "Conservator").

All buildings erected on the permit area shall be subject to the approval of the Forester in Charge and shall be maintained in good order and condition.

The permit holder shall not hold more than one residence or business permit.

The permit holder shall not sublet the area or any portion of it to any person without the consent in writing of the Conservator.

This permit is not transferable.

In the event of the permit holder selling liquor contrary to the provisions of any Act in force for the time being to regulate the sale of intoxicating liquor, the Conservator may cancel this permit and thereupon any rent that may have been paid on the said permit shall be forfeited.

No compensation shall be payable to the permit holder on the expiration or sooner determination of this permit for any improvements erected on the area, but the permit holder shall be entitled at any time within 30 days from the date of determination or expiration of the permit to remove any buildings, or fences erected by him or to dispose of them to an incoming tenant.

The permit holder shall keep the area in a cleanly condition and shall comply in all respects with the by-laws of the Department of Public Health.

In default of payment by the permit holder of the rent hereby reserved or of the due observance and performance by him of the conditions of this permit and the observance by him of the provisions of the said Act and Regulations or any of them to which this permit is subject, the Conservator may cancel this permit.

Special Conditions:

.....  
.....  
.....  
.....  
.....

## Schedule.

All that area of land situated in the.....  
District..... being..... links  
by..... links, as pegged out by the Forester in Charge.

Dated at..... this.....  
day of..... 19.....

A. C. HARRIS,  
Conservator of Forests.

per.....  
Forester in Charge.

Reg. 72.

Form No. 4.  
Western Australia.  
The Forests Act, 1918-1954.  
APIARY SITE PERMIT.

No.....

This Permit authorises.....  
..... of .....  
(hereinafter called "the permit holder") to occupy, for the purpose  
of an apiary site, an area of land situated within the.....  
District, containing about ..... acres in the position as  
described in the Schedule or indicated on the plan attached hereto,  
under and subject to the conditions hereinafter expressed.

Subject to the observance and performance by the permit holder  
of the conditions hereinafter expressed, and of the provisions of  
the Forests Act, 1918-1954, and the amendments thereof respectively  
and the regulations thereunder and in force for the time being, so  
far as such provisions and regulations are applicable hereto, this  
permit shall continue in force for a period of 12 months from the  
..... day of..... 19..... until the  
..... day of..... 19..... and  
thereafter from year to year, subject to such further conditions  
as may be considered necessary, and to payment in advance of the  
rent hereby reserved, unless suspended or forfeited and cancelled  
in the meantime.

1. Rent at the rate of Five Pounds (£5) per annum shall be pay-  
able in advance to the Conservator of Forests (hereinafter called  
"the Conservator") at the office of the Forests Department, Perth.

2. No residence or other buildings, with the exception of an  
extracting room, shall be erected on the apiary site without the  
consent of the Conservator in writing.

3. This permit shall not be exercised otherwise than bona fide  
in the permit holder's own interest and only for the purpose specified  
and shall not be transferred without the consent in writing of the  
Conservator.

4. The permit holder shall not fell, cut, or in any way injure  
or destroy any living or growing tree or sapling whatsoever and  
shall not cut into or remove any dead or fallen timber on the said  
land except with the written approval of the Conservator.

5. The Conservator and all persons authorised by him shall at  
all times during the currency of this permit be permitted to enter  
upon the said land and carry out any duties which may be assigned  
to them.

6. The right is reserved to the Conservator—

- (a) to authorise the felling, cutting and removal of timber and other forest produce from the area held under this permit.
- (b) to construct and maintain firebreaks either by clearing, burning or any other method, and to carry out controlled burning operations at such times and over such areas as he may consider necessary.

and the permit holder shall not be entitled to claim any compensation for any loss or damage whatsoever that he may suffer by reason or in consequence thereof.

7. The permit holder shall not by virtue of this permit be entitled to cut through, break down, or otherwise interfere with any fencing or other improvements erected on or adjacent to the permit area.

8. The permit holder shall observe and comply with the provisions of the Bush Fires Act, 1954, and the amendments thereof and the regulations thereunder and in force for the time being. Any breach of the said Act and/or regulations shall be a breach of the conditions of this permit.

9. The permit holder shall immediately report any outbreak of fire on the permit area to the nearest forest officer and together with all persons employed by him on the permit area shall at all times during the currency of this permit co-operate with officers of the Forests Department in preventing and suppressing bush fires and shall, when called upon by any such officer, act under his instructions in fire fighting or preventing outbreaks of fire.

10. In the event of any fire occurring in any scrub or on any forest land within this permit area, this permit may be immediately cancelled and all rights thereunder forfeited, unless the permit holder can prove to the satisfaction of the Conservator that such fire or fires originated outside the permit area or arose through some cause beyond his control.

11. As security for the due observance and performance by the permit holder of his obligations under this permit, the sum of one pound, has been deposited by him at the office of the Forests Department, Perth, to be retained until the expiration or sooner determination of this permit.

12. (a) The Conservator may upon giving the permit holder one month's notice in writing withdraw this permit wholly or in part if the land is required for forestry purposes or any purpose of public utility or convenience or if the area is not being used to the best advantage.

(b) In the event of the area granted under this permit being disposed of by the Lands Department for settlement purposes the permit shall immediately and automatically terminate.

(c) No compensation shall be payable to the permit holder on the withdrawal or termination of the permit as aforesaid but the permit holder may be allowed a refund of the rent paid for the unexpired period.

13. In default of payment by the permit holder of the rent hereby reserved or of the due observance and performance by him of the conditions of this permit, and the observance by him of the provisions of the said Acts and Regulations, or any of them, to which this permit is subject, the Conservator may suspend this permit for such time as he may think fit, or, by notice in writing to the permit holder, cancel and determine this permit, and thereupon the deposit may be forfeited, together with all improvements effected by the permit holder on the said area.

14. If any question shall arise as to the observance and performance by the permit holder of the conditions of this permit, or the observance by him of the provisions of the said Acts and the Regulations, or in case of any dispute the same shall be decided by the Conservator, whose decision shall be final.

15. Any notice in writing to the permit holder may be served on him by addressing such notice to him, and sending it by post to, or leaving it at his address as stated in this permit.

16. The permit holder accepts this permit, and agrees with the Conservator to observe and perform the conditions and obligations of this permit, and to pay the rent hereby reserved.

17. The permit holder shall observe and comply with the by-laws of the Water Supply Sewerage and Drainage Department and take all action necessary in order to prevent the pollution of the catchment area and shall observe such requirements as may be prescribed from time to time by the Water Supply Department or any authorised officer of that Department.

Schedule.

.....  
.....  
.....

Dated at Perth this ..... day of ..... 19...

Conservator of Forests.

Reg. 88.

Form No. 5.

Western Australia.

FOREST PRODUCE (.....) LICENSE.

No..... District.....

This is to certify that.....  
of..... is hereby licensed for three  
calendar months from this date to.....on and  
from the locality herein specified, under and subject to the provi-  
sions of the Forests Act, 1918-1954, and the Regulations thereunder  
in force for the time being. This license is granted subject to the  
following special conditions:—

Locality.....

Dated the.....day of.....19...

Fee.....

Conservator of Forests.

Reg. 101.

Form No. 6.

Western Australia.

Sandalwood Act, 1929.

LICENSE TO PULL OR REMOVE SANDALWOOD  
FROM ALIENATED LAND.

This is to certify that.....  
of..... having submitted an applica-  
tion supported by an authority from.....  
.....as the reputed grantee or lessee of the  
alienated land listed hereunder is hereby licensed to pull and remove

within..... months from the date hereof on and from the said alienated land, not more than..... tons of sandalwood for supply to.....

Description of Land.

		Approximate Quantity of Sandalwood.
Land District.	Location No.	

No sandalwood pulled under the authority of this license shall be removed from the location or lease from which it has been pulled unless and until it has been inspected and branded by an inspector of the Forests Department.

This license is issued subject to the provisions of the Sandalwood Act, 1929, and the regulations in force for the time being relating to the pulling or removal of sandalwood from alienated land.

Dated at..... this..... day of  
..... 19.....

.....  
Conservator of Forests.

Per.....  
\_\_\_\_\_

Reg. 87.

Second Schedule.

1. The royalty on split, sawn and round timber cut on a mining lease or tenement for mining purposes other than firewood shall be 3d. 6d. per cubic foot.

2. Inspection fees—

- (a) Hewn and sawn sleepers—1.8d. per cubic foot.  
Other hewn and sawn timber—2.4d. per cubic foot.  
Dressed flooring—1s. 2d. per 100 lineal feet.  
Logs for sawmilling or peeling into veneer—1d. per cubic foot.
- (b) Provided that the Conservator may agree to inspect timber for public requirements within the State at rates which shall not be less than half the respective rates prescribed in paragraph (a).
- (c) The charge for the re-inspection of sawn and hewn beams and sleepers on which inspection fees at full rates have been paid may, at the discretion of the Conservator, be reduced to not less than half the prescribed fees. Such reduced fees shall not apply if the dimensions of the beams or sleepers have been altered by recutting between the two inspections, provided, however, that the charge for the re-inspection of beams which have been shortened only may be reduced as aforesaid.

Discount.

3. If payment of royalties on timber obtained under permits or payment of inspection fees on hewn and sawn timber is made within the calendar month following the month during which the timber was obtained or inspected, or such extended period, if any, as the Conservator in his discretion may determine, a discount of 15 per cent. may be allowed.

Regs. 130 and 131.

## Third Schedule.

## SCALE OF FEES.

	£	s.	d.
Advertising deposit on lodging application for permit ....	2	0	0
Amalgamation of permits—for each permit affected ....	15	0	
Amendment of permit boundaries—for each permit affected	15	0	
Application to amend register or permit agreement—for each permit affected ....	15	0	
Certified copy of registration certificate ....	10	0	
Devolution on death or bankruptcy—each lease or permit	15	0	
Exemption from complying with conditions of permit—per month—			
Sawmilling ....	1	0	0
Other ....	5	0	
Forest lease—deposit on lodging application for ....	2	0	0
Forest produce license (firewood), where no royalty is pay- able—per quarter ....	3	0	
Forest produce license (mining timber), where no royalty is payable—per quarter ....	7	6	
Mill site—deposit on lodging application for ....	2	0	0
Preparation of duplicate lease or permit, agreement or other document ....	1	0	0
Preparation of shipping certificate ....	7	6	
Registration of private property brand ....	5	0	
Registration of timber worker—per annum ....	2	6	
Registration of timber worker's brand ....	5	0	
Rent of business or residence permit—per annum ....	3	0	0
Rent of sawmill site—per annum—for every 10 acres or part thereof ....	3	0	0
Search of any register, plan or document ....	5	0	
Transfer of firewood permit ....	1	0	0
Transfer of lease or permit other than a firewood permit	2	0	0

Approved by His Excellency the Governor in Executive Council, 10th July, 1957.

R. H. DOIG,  
Clerk of the Council.

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AGRICULTURAL PRODUCTS ACT, 1929 (AS AMENDED).

Department of Agriculture,  
Perth, 10th July, 1957.

Agric. File 922/55, Ex. Co. No. 1202.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Agricultural Products Act, 1929, as amended, has been pleased to make the regulations set out in the Schedule hereunder.

G. K. BARON HAY,  
Director of Agriculture.

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Schedule.

Regulations.

1. (1) In these regulations, the Agricultural Products Act Regulations published in the *Government Gazette* on the 21st January, 1938, as amended from time to time thereafter, are referred to as the principal regulations.

(2) These regulations shall take effect on the 30th day of September, 1957.



2. The principal regulations are amended by substituting for Part II, comprising regulations 6 to 16 inclusive, a Part and a Schedule to that Part as follows:—

Part II.—Eggs.

6. (1) In this Part of these regulations, unless the context otherwise requires, the expression

“Board” means the Western Australian Egg Marketing Board constituted under the Marketing of Eggs Act, 1945 (as amended);

“clean” means clean in the opinion of an inspector or reasonably free from dirt or foreign matter or stain;

“Director” means Director of Agriculture;

“eggs” means hen eggs and duck eggs produced in Western Australia to be sold or intended for sale for human consumption in Western Australia or in any other State of the Commonwealth, and includes hen eggs and duck eggs imported into Western Australia and which are to be sold or intended for sale in Western Australia;

“First Quality hen eggs” means hen eggs the shells of which are either unwashed

or washed or wiped with a damp cloth, or dry cleaned over an area exceeding 50 per cent. of the surface

and are

clean, uncracked and reasonably free from stain and which are not thin or misshapen

and which eggs, when candled, appear to be free from blood spots, and the yolks of which are translucent or faintly visible, the whites of which are translucent and firm and the air cells of which are slightly tremulous and are not more than one-quarter of an inch in depth;

“Second Quality hen eggs” means hen eggs which do not fall within the description of First Quality hen eggs but which are fit for human consumption;

“First Quality duck eggs” means duck eggs the shells of which are unwashed and clean, uncracked and reasonably free from stain and which are not thin or misshapen and which eggs, when candled, appear to be free from blood spots, and the yolks of which are translucent or faintly visible, the whites of which are translucent and firm, and the air cells of which are slightly tremulous and are not more than one-quarter of an inch in depth;

“Second Quality duck eggs” means duck eggs which do not fall within the description of First Quality duck eggs, but which are fit for human consumption;

“Schedule” means Schedule to this Part of these regulations.

(2) For the purposes of these regulations any egg which contains meat or a blood spot or which, in the opinion of an inspector, is not fit for human consumption shall be deemed to be unfit for human consumption.

7. (1) All eggs shall be graded and packed and marked or branded in accordance with the provisions of this Part of these regulations.

(2) The provisions of subregulation (1) of this regulation do not apply to eggs prior to being sold to the Board or to the holder of a permit granted under paragraph (a) of subsection (3) of section 23 of the Marketing of Eggs Act, 1945, but apply to those eggs if they are sold or intended for sale by the Board or a holder of a permit so granted, and to all other eggs as defined in regulation 6 of these regulations.

## 8. Hen eggs shall be graded as follows:—

- (i) Grade 1 (a) which shall be known as "First Grade 16 lb. Hen" and which shall consist of First Quality hen eggs each of which weighs not less than 2 ounces;
- (ii) Grade 1 (b) which shall be known as "First Grade 14 lb. Hen" and which shall consist of First Quality hen eggs each of which weighs not less than  $1\frac{3}{4}$  ounces but less than 2 ounces;
- (iii) Grade 1 (c) which shall be known as "First Grade 12 lb. Hen" and which shall consist of First Quality hen eggs each of which weighs not less than  $1\frac{1}{2}$  ounces but less than  $1\frac{3}{4}$  ounces;
- (iv) Grade 2 which shall be known as "Second Grade Hen" and which shall consist of First Quality hen eggs each of which weighs less than  $1\frac{1}{2}$  ounces, and of Second Quality hen eggs.

## 9. Duck eggs shall be graded as follows:—

- (i) Grade 1, which shall be known as "First Grade Duck" and which shall consist of First Quality duck eggs each of which weighs not less than  $1\frac{1}{4}$  ounces;
- (ii) Grade 2 which shall be known as "Second Grade Duck" and which shall consist of First Quality duck eggs each of which weighs less than  $1\frac{1}{4}$  ounces, and of Second Quality duck eggs.

10. (1) An egg shall be deemed to be not graded in accordance with the provisions of this Part of these regulations unless it is marked or branded on its large end by an officer of the Department of Agriculture appointed for the purpose by the Director, or by a person approved by the Director, with the appropriate brand prescribed for its grade in subregulation (3) of this regulation.

(2) A person who operates a grading floor for the purpose of grading eggs or who grades eggs in any other manner shall grade them according to the quality and grades specified in regulations 8 and 9 of these regulations and shall cause them to be marked or branded as required by subregulation (1) of this regulation.

(3) (a) The brand prescribed for First Grade 16 lb. Hen eggs shall be substantially in the form of Figure 1 (a) or (b), as the case requires.

(b) The brand prescribed for First Grade 14 lb. Hen eggs shall be substantially in the form of Figure 2 (a) or (b), as the case requires.

(c) The brand prescribed for First Grade 12 lb. Hen eggs shall be substantially in the form of Figure 3 (a) or (b) as the case requires.

(d) The brand prescribed for First Grade Duck eggs shall be substantially in the form of Figure 4 (a) or (b), as the case requires.

(e) The brand prescribed for Second Grade Hen and Second Grade Duck eggs shall be substantially in the form of Figure 5 (a) or (b), as the case requires.

(f) Where hen eggs are offered or to be offered for sale after being held in cold storage in their natural state, the brand prescribed

- (i) for First Grade 16 lb. Hen eggs shall be substantially in the form of Figure 6 (a) or (b), as the case requires;
- (ii) for First Grade 14 lb. Hen eggs shall be substantially in the form of Figure 7 (a) or (b), as the case requires;
- (iii) for First Grade 12 lb. Hen eggs shall be substantially in the form of Figure 8 (a) or (b), as the case requires.

(g) Where hen eggs are offered or to be offered for sale after being oil processed whether or not they are held in cold storage after being so processed, the brand prescribed

- (i) for First Grade 16 lb. Hen eggs shall be substantially in the form of Figure 9 (a) or (b), as the case requires;
- (ii) for First Grade 14 lb. Hen eggs shall be substantially in the form of Figure 10 (a) or (b), as the case requires;
- (iii) for First Grade 12 lb. Hen eggs shall be substantially in the form of Figure 11 (a) or (b), as the case requires.

(h) Each brand must conform to the description relating to its respective figure as set out in the Schedule.

11. (1) (a) A person who seeks approval as a grader shall make application in writing to the Director.

(b) An application made by the Board on behalf of a person to whom a permit is issued or to be issued under section 23 of the Marketing of Eggs Act, 1945 (as amended) shall be deemed to have been made by that person.

(2) (a) The Director may for sufficient reason grant or refuse an application made under subregulation (1) of this regulation and may, before granting an application, require the applicant or the Board to furnish any particulars relevant to the application as the Director deems necessary.

(b) Upon the grant of an application referred to in subregulation (1) of this regulation, the Director shall issue or cause to be issued a certificate of approval in writing to the applicant and cause a memorandum thereof to be entered in a register or book to be kept in the Department of Agriculture for the purpose.

(3) (a) A certificate of approval issued under subregulation (2) (b) of this regulation to a person or firm being the holder of a permit granted under section 23 of the Marketing of Eggs Act, 1945 as amended, shall remain valid and in force until the permit lapses or is cancelled, but a certificate of approval so issued to any other person or body shall remain valid and in force until the 31st day of December of the year in which the certificate is issued.

(b) The Director shall, at the time of issuing a certificate under subregulation (2) (b) of this regulation, allot a serial number, which shall be known as the grading license number, to be used on egg brands in accordance with these regulations.

(c) The serial number shall be an integral part of the Certificate of Approval.

(4) (a) The Director may in his discretion at any time revoke a Certificate of Approval issued under subregulation (2) (b) of this regulation by a notice in writing to that effect signed by the Director and sent to the holder of the Certificate at his address as shown on his application for approval.

(b) Upon receipt of the notice, the holder of the Certificate shall cease to be a person approved by the Director for the purposes of subregulation (1) of regulation 10 of these regulations.

(5) A Certificate of Approval so issued is personal to the person to whom it is issued and is not transferable.

(6) The Director shall allot to the Board such grading license numbers as he deems necessary for allocation to officers or employees of the Board who are employed in the grading of eggs and may delegate to the Board authority to allocate the numbers to such officers or employees of the Board as the Board considers competent to grade eggs in accordance with these regulations.

(7) An officer or employee of the Board who is so allocated a number shall be deemed to be a person approved by the Director for the purposes of subregulation (1) of regulation 10 of these regulations.

(8) For the purposes of these regulations eggs graded and branded by an officer or employee of the Board who is so allocated a number, shall be deemed to be graded and marked or branded by the Board in accordance with these regulations.

(9) The Board shall upon request in writing by the Director, supply any information required by him regarding the allocation of numbers referred to in subregulation (6) of this regulation.

12. (1) Every package containing eggs, whether for disposal wholesale or retail, shall be legibly marked on the outside either directly on the package or on a wrapper or label attached thereto in a clear and conspicuous manner the name and address of the person, persons, body or marketing or other authority by whom or which the eggs were packed.

(2) Where a package referred to in subregulation (1) of this regulation is not so marked, the contents of the package shall be deemed not to be packed as prescribed.

13. (1) Eggs which have not been marked or branded in accordance with these regulations shall not be packed in the same package as eggs so marked or branded.

(2) Eggs whether intended for cold storage or not shall not be packed in any package which is unclean or which is contaminated by contact or otherwise with any deleterious substance.

(3) Eggs which are wholly or partially washed or wiped with a damp cloth, or eggs which are dry cleaned over an area exceeding fifty per cent. of their surface shall be deemed to be washed.

14. Notwithstanding the provisions of paragraphs (f), (g) and (h) of regulation 10 (3) of these regulations, eggs graded, packed and branded for export in conformity with any law of the Commonwealth and in accordance with the requirements of the Commonwealth Department of Trade shall be deemed to comply with the provisions of those paragraphs.

15. Eggs which are not graded or stamped in the manner prescribed by these regulations shall be deemed not to be graded as prescribed.

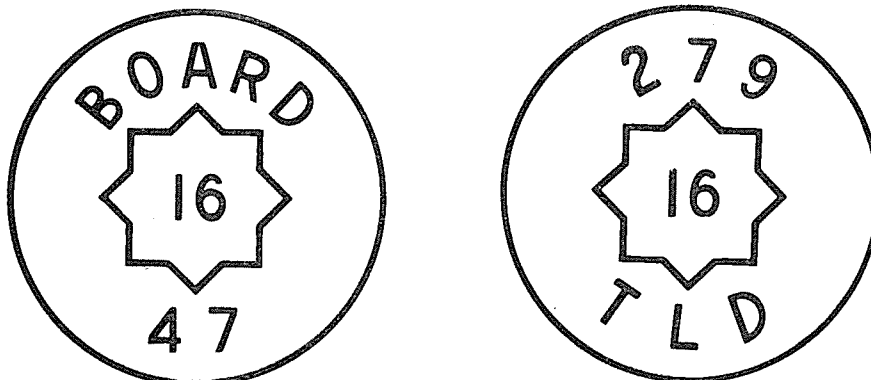
16. For the purposes of this Part of these regulations any notice or other communication in connection therewith if sent to the Officer in Charge, Poultry Branch, Department of Agriculture, shall be deemed to have been sent to the Director.

Schedule to Part II.

PRESCRIBED EGG BRANDS.

Figure 1.

First Grade 16 lb. Hen Eggs.



(a) If graded by Board.

(b) If graded by a person other than Board.

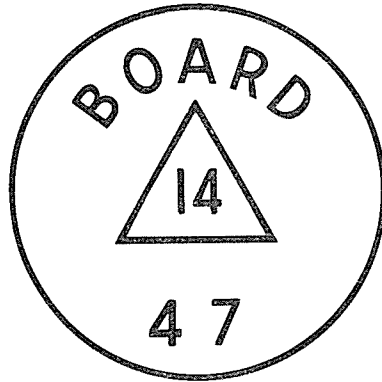
Description.—The numerals “16” must be in heavy open face sans serif capital letters of eight point full face measurements enclosed within an eight pointed star. The apexes of the rays of the star shall be aligned in a line corresponding with the periphery of a circle with a diameter of 5/16ths of an inch and

- (i) if graded by the Board, the brand must have the word “BOARD” above the star and the number denoting the grading license number allotted to the officer or employee of the Board who graded the egg below the star (as in diagram (a) above);
- (ii) if graded by a person other than the Board, the brand must have the grading license number allotted to the person grading the egg above the star and the initials of the holder of the relevant certificate of approval below the star (as in diagram (b) above).

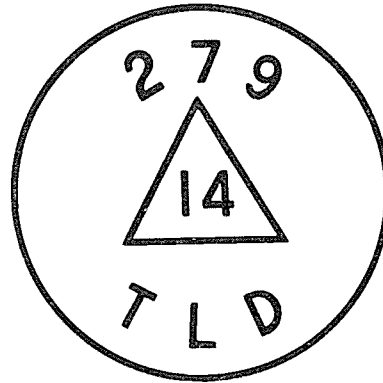
All the letters and numerals of the brand other than the numerals “16” must be in light open face sans serif capital letters of six point full face measurement and the entire brand must be enclosed in a single line circle 9/16ths of an inch in diameter.

Figure 2.

First Grade 14 lb. Hen Eggs.



(a) If graded by Board.

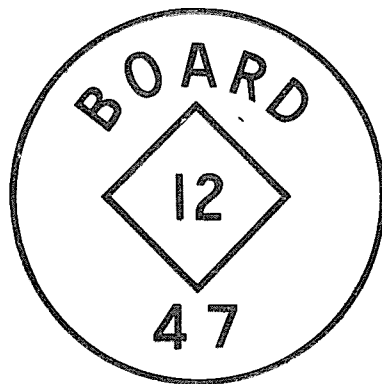


(b) If graded by a person other than Board.

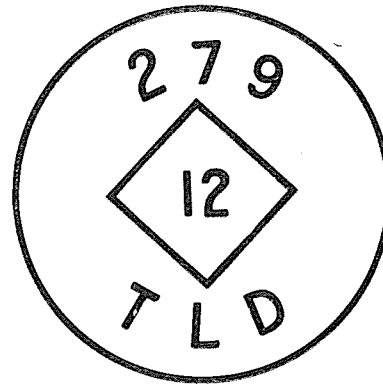
Description.—The numerals "14" must be in heavy open face sans serif capital letters of eight point full face measurement enclosed within an equilateral triangle, apex pointing up, having the sides  $\frac{5}{16}$ ths of an inch in length. In all other respects the description relating to Figure 1 applies mutatis mutandis.

Figure 3.

First Grade 12 lb. Hen Eggs.



(a) If graded by Board.

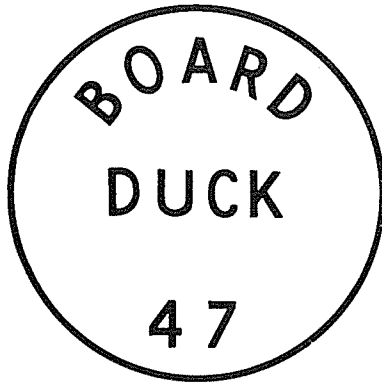


(b) If graded by a person other than Board.

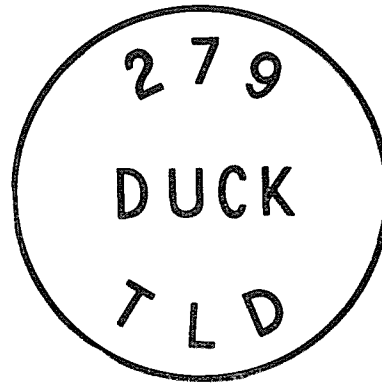
Description.—The numerals "12" must be in heavy open face sans serif capital letters of eight point full face measurement enclosed in a square shown diagonally the angles of which are aligned on a line corresponding with the periphery of a circle with a diameter of  $\frac{5}{16}$ ths of an inch. In all other respects the description relating to Figure 1 applies mutatis mutandis.

Figure 4.

First Grade Duck Eggs.



(a) If graded by Board.

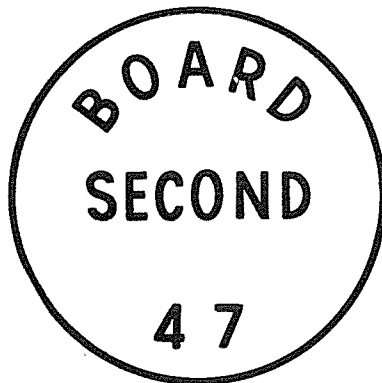


(b) If graded by a person other than Board.

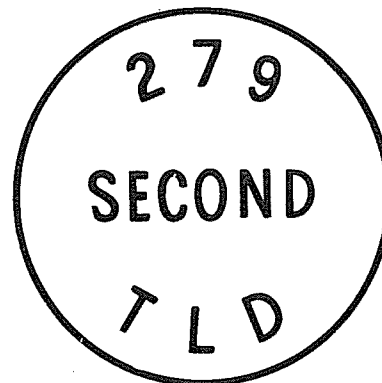
Description.—The description relating to Figure 1 applies mutatis mutandis except that in lieu of an eight pointed star enclosing the numerals "16" the word "DUCK" is substituted.

Figure 5.

Second Grade Hen and Second Grade Duck Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

Description.—The description relating to Figure 1 applies mutatis mutandis except that in lieu of an eight pointed star enclosing the numerals "16" the word "SECOND" is substituted.

Figure 6.

Chilled First Grade 16 lb. Hen Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

Description.—The description relating to Figure 1 applies mutatis mutandis except that

- (i) if the egg is graded by the Board the word "CHILLED" must be substituted for the word "BOARD" and
- (ii) if the egg is graded by a person other than the Board the word "CHILLED" must be substituted for the initials of the holder of the relevant Certificate of Approval.

Figure 7.

Chilled First Grade 14 lb. Hen Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

Description.—The description relating to Figure 2 applies mutatis mutandis with exceptions as in Figure 6.

Figure 8.

Chilled First Grade 12 lb. Hen Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

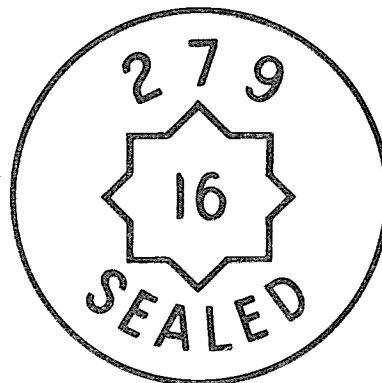
Description.—The description relating to Figure 3 applies mutatis mutandis with exceptions as in Figure 6.

Figure 9.

Sealed First Grade 16 lb. Hen Eggs.



(a) If graded by Board.



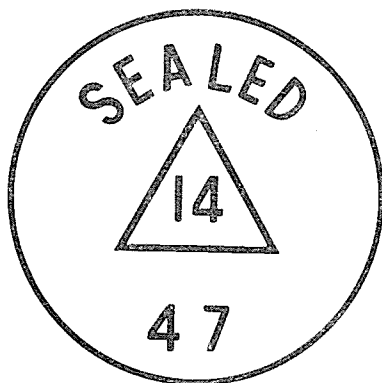
(b) If graded by a person other than Board.

Description.—The description relating to Figure 6 applies mutatis mutandis except that in lieu of the word "CHILLED" the word "SEALED" is substituted.



Figure 10.

Sealed First Grade 14 lb. Hen Eggs.



(a) If graded by Board.

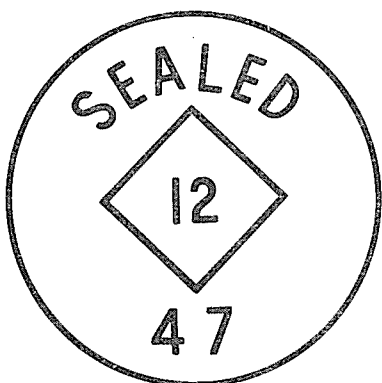


(b) If graded by a person other than Board.

Description.—The description relating to Figure 7 applies mutatis mutandis except that in lieu of the word "CHILLED" the word "SEALED" is substituted.

Figure 11.

Sealed First Grade 12 lb. Hen Eggs.



(a) If graded by Board.



(b) If graded by a person other than Board.

Description.—The description relating to Figure 8 applies mutatis mutandis except that in lieu of the word "CHILLED" the word "SEALED" is substituted.

Approved by His Excellency the Governor in Executive Council, 10th July, 1957.

R. H. DOIG,  
Clerk of the Council.