

WESTERN AUSTRALIA.



ANNO QUARTO

EDWARDI SEPTIMI REGIS,

XXXIII.

No. 58 of 1904.

AN ACT to further amend the Land Act,
1898.

[Assented to 24th December, 1904.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Land Act Amendment Act*, 1904, and shall be read as one with the Land Act, 1898, hereinafter referred to as the principal Act, and shall come into operation on a day to be fixed by proclamation. Short title.

2. The Governor may appoint an Inspector General of Forests and such other officers as may be required for the purposes of this Act, who shall hold their respective offices during the pleasure of the Crown, and receive such salaries as the Governor, with the approval of Parliament, thinks fit. Inspector General
of Forests and
officers.

Duties of Inspector General.

3. The Inspector General of Forests shall, under the Minister, be charged with the administration of this Act and Part XI. of the principal Act, and with the conservation, management, and control of State forests and timber reserves.

Advisory Board

4. The Governor may appoint three persons as an Advisory Board, and may, from time to time, cancel and revoke such appointments, and fill up vacancies in the Board.

Duties of Advisory Board.

5. The duties of the Advisory Board shall be to advise the Minister and the Inspector General of Forests upon forest conservation, the management of State forests and timber reserves, and the framing of regulations under this Act.

Remuneration of members.

6. Each member of the Advisory Board may receive such fees for attending the meetings of the board as may be prescribed, and such travelling expenses as he may reasonably incur.

Minutes of proceedings and report.

7. The Advisory Board shall—

- (1.) Keep minutes of their proceedings in such manner and form as the Governor shall direct; and
- (2.) Make a half-yearly report of their proceedings to the Minister, who on receipt thereof may forthwith publish such report, which shall be laid before both Houses of Parliament.

State forests and timber reserves.

8. The Governor may, from time to time, by proclamation published in the *Government Gazette*—

- (1.) Declare any Crown lands to be a State forest or timber reserve, within the meaning and for the purposes of this Act;
- (2.) Rescind, amend, or annul, in part or in whole, any previous proclamation, and declare any cleared land, or any land no longer required for forest or timber purposes, Crown land subject generally to the Land Act, 1898, and its amendments.

State forests not to be alienated.

9. No land proclaimed as a State forest shall be alienated or dealt with except as authorised by this Act and the regulations.

No timber leases to be granted in State forests.

10. From and after the commencement of this Act no timber lease shall be granted under the principal Act or its amendments.

Permits may be granted.

11. Subject to this Act and the regulations, the Governor may grant to persons desirous of erecting saw mills, permits to cut timber

in any State forest or timber reserve, or on any Crown land, upon the following conditions:—

- (1.) The sole right of cutting timber shall be granted over an area proportional to the horse-power of the mill proposed to be erected, on the basis of the provision of ten years' cutting.
- (2.) That the railway or tramway connecting such mill with any Government railway shall be located in such manner as will, in the opinion of the Minister, upon expert advice, best serve the country requiring an outlet in that vicinity.
- (3.) Such other conditions as may be prescribed.

12. Every permit shall be liable to forfeiture in the event—

Forfeiture on
breach of conditions.

- (a.) of the mill being closed for a period of one month without the consent of the Governor.
- (b.) of any amalgamation or combination with, or transfer of cutting rights to, any other person without the like consent;
- (c.) of any breach or non-observance of any condition or provision therein contained or of the regulations in force for the time being;

and thereupon the Governor may, without any action or other proceeding, by notice published in the *Government Gazette* cancel the permit; and the production of the *Government Gazette* containing a notice as aforesaid shall be conclusive evidence of a cause sufficient to authorise such cancellation, and that all the interest in the grantee and any person claiming under him have been lawfully determined.

13. The Governor may by regulation prescribe that licenses to hew and fell timber for piles, poles, or baulks, shall be granted subject to the payment by the licensee of royalties proportional to the measurement of all piles, poles, and baulks felled or hewn, in addition to or in lieu of the annual fee prescribed by the principal Act.

Royalty on timber
felled for piles, etc.

14. The Minister may, from time to time, set apart any portion of any State forest or timber reserve for occupation by workmen and others employed in connection with such forests or reserves, or other persons supplying or ministering to the wants of such workmen, on such terms and conditions as may be prescribed.

Provisions for
labourers'
dwellings.

15. The Governor may make regulations for all or any of the following purposes:—

Regulations.

- (1.) The general conduct of the business and proceedings of the Inspector General and the Advisory Board;

- (2.) The powers and duties of officers ;
- (3.) Prescribing the mode and form of applications for permits and licenses, and the terms and conditions thereof ;
- (4.) Regulating the times at and mode in which the privileges conferred by permits and licenses may be exercised ;
- (5.) Prescribing the fees or royalties or the fees and royalties to be paid under permits and for licenses and by licensees ;
- (6.) Authorising, forbidding, and regulating the cutting of timber upon and within Crown lands, State forests, and timber reserves ;
- (7.) Preventing all unnecessary injury to or destruction of growing timber ;
- (8.) Requiring grantees of permits and licensees to take from all trees cut down all the timber fit for use ;
- (9.) Protecting from cutting or injuring trees of any specially-named kind, or below a standard size, and all seedlings and saplings ;
- (10.) For the planting of trees and the renewal of forests ;
- (11.) For the prevention of fires and the spread of fire in forests ;
- (12.) Prohibiting trespassing in State forests and timber reserves, and regulating access thereto ;
- (13.) For the protection of roads in State forests and timber reserves ;
- (14.) Regulating and authorising the construction, maintenance, and use of railways, tramways, roads, and ways.
- (15.) And, generally, for facilitating and more effectually carrying into execution the objects of Part XI. of the principal Act and of this Act.

Regulations may
apply generally or
locally.

16. Any regulations for the time being in force may be made applicable generally or to any part or parts of the lands under the control of the Inspector General.

Penalties.

17. Every regulation—

- (1.) May impose a penalty not exceeding one hundred pounds for the breach thereof ; and
- (2.) May provide that, in addition to the penalty, any expense incurred in consequence of the breach of such regulations shall be paid by the person committing such breach.

18. Every regulation shall, upon approval by the Governor and publication in the *Government Gazette*, have the force of law, and shall be laid before both Houses of Parliament within fourteen days after publication, if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session. Publication of regulations.

19. Any officer of the Department of Lands and Surveys may, without warrant, apprehend any person found committing any breach of this Act or the regulations thereunder, and any person so apprehended shall be taken as soon as reasonably may be before justices of the peace to be dealt with according to law. Power to arrest trespassers.

20. This Act shall only remain in force until the first day of January, One thousand nine hundred and six. Duration of Act.