

## No. 24 of 1962.

An Ordinance to amend the *Forestry Ordinance 1959*.

[Assented to 26th June, 1962.]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1961*, as follows:—

1.—(1.) This Ordinance may be cited as the *Forestry Ordinance 1962*. Short title and citation.

(2.) The *Forestry Ordinance 1959* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Forestry Ordinance 1959-1962*.

2. This Ordinance shall come into operation on the date on which the *Forestry Ordinance 1959* comes into operation. Commencement.

3. Section four of the Principal Ordinance is amended by inserting before the definition of "Crown lands" the following definition:— Definitions.

" 'authority' means an authority granted under section fourteen D of this Ordinance;".

4 Section twelve of the Principal Ordinance is repealed and the following section inserted in its stead:—

" 12.—(1.) Subject to section fourteen A of this Ordinance and to such conditions as are prescribed, the Administrator may on the recommendation of the Forestry Officer, grant a licence— Licences in forest reserves.

(a) to graze stock or any particular kind of stock on;

(b) to occupy for a prescribed purpose; or

(c) to go upon and take a prescribed substance or article from,

land within a forest reserve.

" (2.) A licence relating to land within a forest reserve shall not be granted except in accordance with this section or the *Mining Ordinance 1939-1960*."

Licences in respect of forest produce under control and management of Forestry Officer.

5. Section fourteen of the Principal Ordinance is amended by inserting in sub-section (1.) after the word "Ordinance", the words "and the next succeeding section".

6. After section fourteen of the Principal Ordinance the following sections are inserted:—

Tenders to be invited for certain exclusive licences.

" 14A.—(1.) The Administrator shall not, under section twelve of this Ordinance or the last preceding section, grant a licence that gives to the licensee the exclusive right to take forest produce from land included in any reserved or dedicated lands unless the Administrator has first invited tenders for the granting of the licence.

" (2.) Where the Administrator invites tenders in accordance with the last preceding sub-section, he shall not grant the licence to a person other than the highest tenderer of those tenderers who, in the opinion of the Administrator, are capable of carrying out the conditions of the licence, unless he is satisfied that there are sufficient reasons, related to the control or development for forestry purposes of the reserved or dedicated lands containing the forest produce, that make it desirable that the licence should be granted to such other person.

Interpretation.

" 14B.—(1.) In this section and the next three succeeding sections 'reserve for wards' means land which, in accordance with the provisions of a law of the Territory, is declared to be a reserve for wards or land which is deemed to be a reserve for the purposes of the *Welfare Ordinance* 1953-1961.

" (2.) The provisions of the next three succeeding sections which apply in relation to reserves for wards apply also in relation to land included in a lease granted by the Crown to an institution within the meaning of the *Welfare Ordinance* 1953-1961 or to a person in charge of such an institution for purposes connected with the institution (whether granted under that Ordinance or otherwise) as if it were land included in a reserve for wards and references in those sections to a reserve for wards shall be construed as including land the subject of such a lease.

Person not to enter reserve for wards to take forest produce without authority.

" 14C.—(1.) A person shall not enter a reserve for wards for the purpose of taking forest produce except in accordance with an authority granted to him, and in force, under the next succeeding section.

Penalty: One hundred pounds or imprisonment for six months.

“(2.) This section applies to a person notwithstanding that—

- (a) under the provisions of section forty-four or forty-five of the *Welfare Ordinance* 1953-1961 he may lawfully enter or remain on a reserve for wards; or
- (b) under the provisions of section forty-six or forty-seven of the *Welfare Ordinance* 1953-1961 he may lawfully enter or remain on land—
  - (i) included in a lease granted to an institution under that Ordinance or a person in charge of such an institution; or
  - (ii) reserved for the purposes of an institution established by the Commonwealth.

“(3.) The provisions of sections forty-five and forty-seven of the *Welfare Ordinance* 1953-1961 do not apply to a person who enters or remains on land under, and in accordance with the conditions of, an authority granted to him, and in force, under the next succeeding section.

“14D.—(1.) The Administrator may, by writing under his hand, grant an authority authorizing the holder of a licence or a person employed by the holder of a licence to enter a reserve for wards for the purpose of taking forest produce.

Administrator  
may issue  
authority for  
taking forest  
produce on  
reserve, &c.

“(2.) An authority granted under this section—

- (a) shall contain a condition prescribing the point at which ingress to or egress from the reserve may be made and the route that may be used by the holder or person between that point and the part of the reserve where the forest produce may be taken;
- (b) shall contain a condition that the holder shall not commit an offence against any law of the Territory whilst on the reserve;
- (c) may be expressed to apply in relation to a specified part only of the reserve;
- (d) may contain a condition prohibiting the holder from entering upon a specified part of the reserve; and
- (e) shall contain such conditions and restrictions as the Administrator considers to be necessary for the protection of the interests and well-being of wards in the reserve.

“ (3.) A person, being the holder of an authority granted under this section, shall comply with the conditions and restrictions specified in the authority.

Penalty: One hundred pounds or imprisonment for six months.

“ (4.) The Administrator may revoke an authority if the holder of the authority contravenes a condition or restriction specified in the authority.

“ (5.) The Administrator may revoke an authority if he considers it is against the interests and well-being of wards in the reserve for wards in respect of which the authority has been issued for the holder of the authority to continue to hold that authority.

“ (6.) If an authority issued under this section is revoked by the Administrator, the holder of the authority shall, forthwith upon notice being given to him by the Administrator that the authority is revoked, deliver the authority to the Administrator.

Penalty: One hundred pounds or imprisonment for six months.

Conditions of  
licence.

“ 14E. A licence to take forest produce on a reserve for wards shall contain—

(a) a condition for forfeiture if the holder of the licence—

(i) fails to comply with the conditions and restrictions of an authority issued under the last preceding section; or

(ii) employs in connexion with the taking of forest produce on the reserve a person, other than a ward, who is not the holder of an authority granted, and in force, under the last preceding section; and

(b) such other conditions and restrictions as the Administrator considers to be necessary for the protection of the interests and well-being of wards in the reserve.”

7. Section seventeen of the Principal Ordinance is repealed and the following section inserted in its stead:—

Royalties and  
advance  
payments.

“ 17.—(1.) The Administrator may, by notice in the *Gazette*, determine for the Territory or a part of the Territory the manner in which and the rates at which royalties in respect of forest produce shall be assessed.

“ (2.) The regulations may provide for the payment of prescribed amounts in advance by the holder of a licence or permit and the crediting of amounts so paid towards royalties subsequently payable by the holder.

“ (3.) A licence or permit is subject to the payment by the holder of royalties in respect of forest produce taken, cut, felled, removed, damaged or partially utilized by the holder or his servant or agent on or from the land in respect of which the licence or permit is held.”.

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