

Queensland



ANNO SEPTIMO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 33 of 1968

An Act to Amend The Forestry Acts 1959 to 1964 in certain particulars

[ASSENTED TO 19TH NOVEMBER, 1968]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1) **Short title.** This Act may be cited as the *Forestry Act Amendment Act 1968*.

(2) **Principal Act.** *The Forestry Acts 1959 to 1964* are in this Act referred to as the Principal Act.

(3) **Collective title.** The Principal Act as amended by this Act may be collectively cited as the *Forestry Act 1959–1968*.

2. **Amendment of long title.** The long title of the Principal Act is amended by omitting the words " and Scenic Areas ".

3. **Amendments of s. 3.** Section 3 of the Principal Act is amended by—

(a) in the paragraph commencing with the heading " PART III," omitting the words " , NATIONAL PARKS AND SCENIC AREAS " and inserting in their stead the words " AND NATIONAL PARKS ";

(b) in the paragraph commencing with the heading " PART V " , omitting the words " AND SCENIC AREAS " ;

(c) in the paragraph commencing with the heading " PART VII " , omitting the words " , NATIONAL PARKS AND SCENIC AREAS " and inserting in their stead the words " AND NATIONAL PARKS " .

4. Amendments of s. 5. Section 5 of the Principal Act is amended by—

(a) inserting before the definition “beds and banks” the following definition:—

““Animal life”—All mammals, birds, reptiles, frogs, fish, molluscs, crustaceans, insects, and all other species of animal life and the eggs and young thereof;”;

(b) omitting from the definition “Contiguous” the words “, National Parks or Scenic Areas” and inserting in their stead the words “or National Parks”;

(c) omitting from the definition “Crown land” the words “, Scenic Area”;

(d) omitting the definition “Forest products” and inserting in its stead the following definition:—

““Forest products”—All vegetable growth and any material of vegetable origin alive or dead (whether standing or fallen): in relation to any State Forest, Timber Reserve or National Park the term includes—

(a) honey;

(b) all forms of indigenous animal life;

(c) any nest, bower, shelter or structure of any such indigenous animal life;

(d) any fossil remains;

(e) any Aboriginal remains, artefacts or handicraft of Aboriginal origin or traces thereof;

(f) any relics;

(g) any quarry material, soil or earth,

but does not include, with respect to a Crown holding, grasses (indigenous or introduced) or crops grown by a lessee or licensee”;

(e) inserting after the definition “Get” the following definition:—

““Historic area”—the whole or part of a National Park declared as such under this Act;”;

(f) inserting after the definition “Prescribed” the following definitions:—

““Primitive area”—the whole or part of a National Park declared as such under this Act;

“Primitive and recreation area”—the whole or part of a National Park declared as such under this Act;”;

(g) inserting after the definition “Quarry material” the following definition:—

““Recreation area”—the whole or part of a National Park declared as such under this Act;”;

(h) omitting the definition “Scenic area” and inserting in its stead the following definition:—

““Scientific area”—the whole or part of a National Park declared as such under this Act;”.

5. Amendments of s. 11 (1). Section 11 of the Principal Act is amended by in subsection (1)—

(a) omitting from paragraph (vi) the words “and Scenic Areas”;

(b) omitting from paragraph (xii) the words “and Scenic Areas” wherever they occur.

6. Amendment of s. 18 (1). Section 18 of the Principal Act is amended in subsection (1) by omitting from paragraph (iii) the words "Scenic Area,".

7. Amendment of heading of Part III. The heading of PART III of the Principal Act is amended by omitting the words "NATIONAL PARKS AND SCENIC AREAS" and inserting in their stead the words "AND NATIONAL PARKS".

8. Amendments of s. 27 Section 27 of the Principal Act is amended by—

- (a) inserting after the word "Amalgamation" in the note to that section the word ", division";
- (b) inserting after paragraph (ii) the following paragraph:—
" (iii) By Order in Council divide any State Forest into two or more State Forests;"; and
- (c) renumbering paragraph (iii) as paragraph (iv).

9. Amendment of s. 28 (3). Section 28 of the Principal Act is amended by omitting from the proviso to subsection (3) the words "National Park, or Scenic Area" and inserting in their stead the words "or National Park".

10. Amendment of heading. The Principal Act is amended by omitting from the heading appearing immediately before section 29 the words "AND SCENIC AREAS".

11. Repeal of and new s. 29. Section 29 of the Principal Act is repealed and the following section is inserted in its stead:—

" 29. Power to set apart and declare National Parks. Subject to section 24 of this Act, the Governor in Council may from time to time on the recommendation of the Conservator of Forests by Order in Council set apart and declare as a National Park any Crown land or Timber Reserve which he considers to be of scenic, scientific or historic interest."

12. Existing Scenic Areas to become National Parks. Land set apart and declared as a Scenic Area immediately prior to the date of passing of this Act shall upon the passing of this Act be deemed to have been set apart and declared under section 29 of the *Forestry Act* 1959–1968 as a National Park under the name assigned to it as a Scenic Area.

The Governor in Council may, under section 30 of the *Forestry Act* 1959–1968, from time to time vary the name of such a National Park.

13. Repeal of and new s. 30. Section 30 of the Principal Act is repealed and the following section is inserted in its stead:—

" 30. Amalgamation and naming of National Parks. The Governor in Council may from time to time—

- (a) by the Order in Council setting aside and declaring under this Act any land as a National Park amalgamate that National Park and any existing contiguous National Park;
- (b) by Order in Council amalgamate any contiguous National Parks;

- (c) by Order in Council amalgamate any National Parks which, not being contiguous, could in the opinion of the Conservator of Forests be more appropriately administered as one unit;
- (d) if deemed desirable, upon consideration of a report by the Queensland Place Names Board in that regard, by Order in Council assign a name to any National Park and likewise vary any such name.”.

14. Amendments of s. 31. Section 31 of the Principal Act is amended by omitting the words “ or Scenic Area ” wherever they occur.

15. Amendments of s. 32. Section 32 of the Principal Act is amended by—

- (a) in the first paragraph,
 - (i) omitting the words “ National Park or Scenic Area ” and inserting in their stead the words “ or National Park other than land declared as a primitive area or a scientific area ”;
 - (ii) omitting the words “ National Park or, as the case may be, Scenic Area ” and inserting in their stead the words “ or, as the case may be, National Park ”;
- (b) in the second paragraph, omitting the words “ National Park or Scenic Area ” and inserting in their stead the words “ or National Park ”.

16. Amendment of heading. The Principal Act is amended by omitting from the heading appearing immediately before section 40 the words “ AND SCENIC AREAS ”.

17. Repeal of s. 40 and insertion of new ss. 40–40F. Section 40 of the Principal Act is repealed and the following sections are inserted in its stead—

“ **40. Principle of management of National Parks.** The cardinal principle to be observed in the management of National Parks shall be the permanent preservation, to the greatest possible extent, of their natural condition and the Conservator of Forests shall exercise his powers under this Part of this Act in such manner as appears to him most appropriate to achieve this objective.

40A. Specialized management within National Parks. (1) When in the opinion of the Conservator of Forests sufficient information is available with respect to a National Park concerning—

- (a) the flora, fauna and natural features of that Park; and
- (b) the potential value of that Park in relation to the uses to which it may be lawfully applied,

he may, subject to this Act, from time to time recommend to the Minister that the whole or a part of that Park be declared—

- (c) a primitive area,
- (d) a primitive and recreation area,
- (e) a recreation area,
- (f) a scientific area, or
- (g) an historic area.

(2) On the recommendation of the Conservator of Forests the Governor in Council may, by Order in Council, declare the whole of the National Park or the part or parts thereof defined in the recommendation to be an area as recommended.

40B. Primitive area. (1) In recommending that the whole or part of a National Park be declared a primitive area the Conservator of Forests shall take into consideration the following matters:—

- (a) the desirability of the proposed boundaries following well defined physical features;
 - (b) the desirability of the proposed area being of sufficient size to warrant its setting apart as a primitive area.
- (2) The following provisions shall apply to a primitive area:—
- (a) the Conservator of Forests shall not construct any roads, buildings of any description or lookouts (not being within the description of buildings);
 - (b) if the Conservator of Forests is of opinion that any use or any intended use of the area will damage the ecological complex of the area he shall take such action under this Act as he considers necessary to limit the nature and extent of that use;
 - (c) the Conservator of Forests shall not grant a permit under section 43 of this Act unless he is satisfied that—
 - (i) the applicant for the permit holds pre-eminent scientific qualifications,
 - (ii) the nature of the work proposed to be carried out by the applicant is of sufficient importance to justify the granting of a permit,
 - (iii) the work proposed to be carried out by the applicant could not be carried out elsewhere, and
 - (iv) the work proposed to be carried out by the applicant will not significantly disturb the area.

This paragraph (c) shall not derogate from the power conferred on the Conservator of Forests under section 43 of this Act to subject a permit to provisions, reservations and conditions.

- (d) no part of land declared as a primitive area shall be excluded therefrom or from the National Park of which it forms a part under or for the purposes of section 32 of this Act;
- (e) section 42 of this Act shall not apply to land within a primitive area.

40C. Primitive and Recreation Area. The following provisions shall apply to a primitive and recreation area:—

- (a) where such construction is consistent with the object of the declaration of the area the Conservator of Forests in pursuance of his powers under this Act may construct roads and firebreaks but the Conservator of Forests shall take such steps as he considers necessary to prevent persons (not being officers and employees of the Conservator of Forests in pursuance of their official duties) from using any such roads and firebreaks other than as pedestrians;
- (b) the Conservator of Forests in pursuance of his powers under this Act may construct walking tracks, huts, shelter sheds and other facilities for the use and

enjoyment of the area by the public, but shall carry out such construction in such manner as will least disturb the natural condition of the area;

- (c) the Conservator of Forests shall not grant a permit under section 43 of this Act unless he is satisfied that—
- (i) the applicant for the permit holds scientific qualifications from a recognized University,
 - (ii) the nature of the work proposed to be carried out by the applicant justifies the granting of a permit,
 - (iii) the work proposed to be carried out by the applicant could not be carried out elsewhere, and
 - (iv) the work proposed to be carried out by the applicant will not significantly disturb the area,

save that a permit may be granted where the Conservator of Forests is not satisfied as to the existence of the condition referred to in subparagraph (iii) but is satisfied as to the existence of the other conditions referred to in this paragraph (c) and to the importance of the proposed work.

This paragraph (c) shall not derogate from the power conferred on the Conservator of Forests under section 43 of this Act to subject a permit to provisions, reservations and conditions.

40D. Recreation Area. (1) The Conservator of Forests shall not recommend that any part of a National Park be a recreation area where—

- (a) it or it and any other recreation area within the National Park concerned would exceed four hundred acres; or
- (b) it or it and any other recreation area within the National Park concerned would exceed fifty per centum of the area of the National Park,

whichever is the less area.

(2) The Conservator of Forests—

- (a) shall manage a recreation area so as to maintain a natural setting for camping, picnicking and other recreational activities of a like nature;
- (b) may provide in relation to any recreation area, public vehicular access and facilities for the public use and enjoyment of the area.

40E. Scientific Area. The following provisions shall apply to a scientific area:—

- (a) the Conservator of Forests shall maintain and manage the area so as to preserve it as a sample of the natural environment of the National Park concerned;
- (b) the Conservator of Forests, having regard to the interests of the scientific area as such, in pursuance of his powers under this Act, may provide or permit the provision of such facilities as he considers advantageous to the scientific interests of the area;
- (c) without derogating from the power to subject a permit to provisions, reservations and conditions the Conservator of Forests in granting a permit under section 43 of this Act shall subject the permit to conditions

which in his opinion will prevent the interference by the permittee with work being carried out or proposed to be carried out by any other permittee within the same scientific area;

(d) no part of land declared as a scientific area shall be excluded therefrom or from the National Park of which it forms a part under or for the purposes of section 32 of this Act.

(e) section 42 of this Act shall not apply to land within a scientific area.

40F. Historic Area. The Conservator of Forests shall manage an historic area so as to preserve its historical significance to the State.”

18. Amendments of s. 41. Section 41 of the Principal Act is amended by omitting the words “ or Scenic Area ” wherever they occur.

19. Amendments of s. 42. Section 42 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “ or, as the case may be, Scenic Area ”;

(ii) omitting the words “ or Scenic Area ” and inserting in their stead the words “ other than land declared as a primitive area or a scientific area ”;

(iii) omitting the words “ or Scenic Areas ”;

(b) in subsection (2), omitting the words “ or Scenic Area ” and inserting in their stead the words “ other than land declared as a primitive area or a scientific area ”.

20. Amendment of s. 43. Section 43 of the Principal Act is amended by—

(a) omitting the words “ or Scenic Area ”;

(b) in the third paragraph, inserting after the words “ Conservator of Forests may ” the words “ , subject to this Act,”.

21. Amendment of s. 45. Section 45 of the Principal Act is amended by omitting the words “ , National Parks and Scenic Areas ” and inserting in their stead the words “ and National Parks ”.

22. Amendment of s. 46 (1). Section 46 of the Principal Act is amended by omitting from subsection (1) the words “ and Scenic Areas ”.

23. Amendment of s. 52. Section 52 of the Principal Act is amended by omitting the words “ National Park or Scenic Area ” and inserting in their stead the words “ or National Park ”.

24. Insertion of new s. 61A. The Principal Act is amended by inserting after section 61 the following section:—

“ **61A. Prohibition on sale of Aboriginal artefacts, etc.** The Conservator of Forests shall not sell or otherwise dispose of any Aboriginal remains, artefacts or handicraft of Aboriginal origin or traces thereof situate or which were situate on or in any State Forest or Timber Reserve unless the provisions of *The Aboriginal Relics Preservation Act of 1967* have first been complied with.”.

25. Amendment of heading of Part VII. The heading of PART VII of the Principal Act is amended by omitting the words "NATIONAL PARKS AND SCENIC AREAS" and inserting in their stead the words "AND NATIONAL PARKS".

26. Amendments of s. 62. Section 62 of the Principal Act is amended by omitting the words ", National Park or Scenic Area" wherever they occur and inserting in their stead in each case the words "or National Park".

27. Amendments of s. 63 (1). Section 63 of the Principal Act is amended by omitting from subsection (1) the words ", National Park or Scenic Area" wherever they occur and inserting in their stead in each case the words "or National Park".

28. Amendments of s. 64. Section 64 of the Principal Act is amended by omitting the words ", National Park or Scenic Area" wherever they occur and inserting in their stead in each case the words "or National Park".

29. Amendments of s. 65. Section 65 of the Principal Act is amended by omitting the words ", National Park or Scenic Area" wherever they occur and inserting in their stead in each case the words "or National Park".

30. Amendment of s. 66. Section 66 of the Principal Act is amended by omitting the words ", National Park or Scenic Area" and inserting in their stead the words "or National Park".

31. Amendment of s. 67 (1). Section 67 of the Principal Act is amended by omitting from subsection (1) the words ", National Park or Scenic Area" and inserting in their stead the words "or National Park".

32. Amendment of s. 68. Section 68 of the Principal Act is amended by omitting the words ", National Park or Scenic Area" and inserting in their stead the words "or National Park".

33. Amendment of s. 69 (1). Section 69 of the Principal Act is amended by omitting from subsection (1) the words ", National Park or Scenic Area" and inserting in their stead the words "or National Park".

34. Amendments of s. 71. Section 71 of the Principal Act is amended by—

(a) omitting the words ", National Parks and Scenic Areas" and inserting in their stead the words "and National Parks";

(b) omitting the words "and Scenic Area";

(c) omitting the words ", National Park or Scenic Area" and inserting in their stead the words "or National Park".

35. Amendment of s. 72 (1). Section 72 of the Principal Act is amended by omitting from subsection (1) the words ", National Park or Scenic Area (such forest, reserve, park or, as the case may be, area being hereinafter in this section referred to as the "area"))" and inserting in their stead the words "or National Park (such forest, reserve or, as the case may be, park being hereinafter in this section referred to as the "area"))".

36. Amendment of s. 73. Section 73 of the Principal Act is amended by omitting the words “, National Park or Scenic Area ” and inserting in their stead the words “ or National Park ”.

37. Amendment of s. 74 (1). Section 74 of the Principal Act is amended by omitting from subsection (1) the words “, National Park or Scenic Area ” and inserting in their stead the words “ or National Park ”.

38. Amendment of s. 75. Section 75 of the Principal Act is amended by omitting the words “, National Park or Scenic Area ” and inserting in their stead the words “ or National Park ”.

39. Amendments of s. 77. Section 77 of the Principal Act is amended by omitting the words “ Scenic Area,” wherever they occur.

40. Amendments of s. 82 (10). Section 82 of the Principal Act is amended by omitting from subsection (10) the words “, National Park or Scenic Area ” wherever they occur and inserting in their stead in each case the words “ or National Park ”.

41. Amendment of s. 86 (1). Section 86 of the Principal Act is amended by omitting from paragraph (x) of subsection (1) the words “, National Park or Scenic Area ” and inserting in their stead the words “ or National Park ”.

42. Amendment of s. 88 (2). Section 88 of the Principal Act is amended by omitting from paragraph (b) of subsection (2) the words “, National Parks, or Scenic Areas ” and inserting in their stead the words “ or National Parks ”.

43. Amendment of s. 93 (1). Section 93 of the Principal Act is amended by omitting from paragraph (i) of subsection (1) the words “, National Park, and Scenic Area ” and inserting in their stead the words “ and National Park ”.

44. Amendments of s. 94. Section 94 of the Principal Act is amended by—

(a) omitting the words “, National Park or Scenic Area ” and inserting in their stead the words “ or National Park ”;

(b) omitting the words “, National Park, or, as the case may be, Scenic Area ” and inserting in their stead the words “ or, as the case may be, National Park ”.

45. Amendments of s. 95. Section 95 of the Principal Act is amended by—

(a) in paragraph (iii) omitting the words “, National Park or Scenic Area ” wherever they occur and inserting in their stead in each case the words “ or National Park ”;

(b) in paragraph (viii) omitting the words “ Scenic Area,”.

46. Amendment of s. 97 (2). Section 97 of the Principal Act is amended by omitting from subsection (2) the words “ Scenic Areas,”.

47. Amendments of Schedule II. The Second Schedule to the Principal Act is amended by—

(a) in clause 4 omitting the words “, National Parks and Scenic Areas ” and inserting in their stead the words “ and National Parks ”;

(b) in clause 18 omitting the words “, National Parks and Scenic Areas ” and inserting in their stead the words “ and National Parks ”;

(c) in clause 19 omitting the words “, National Park or Scenic Area ” and inserting in their stead the words “ or National Park ”;

(d) in clause 20 omitting the words “, National Parks or Scenic Areas ” and inserting in their stead the words “ or National Parks ”;

(e) omitting the note to clause 21 and inserting in its stead the note “ National Parks ”;

(f) in clause 21—

(i) omitting the words “ and Scenic Areas ”;

(ii) omitting the words “ and Areas ” wherever they occur;

(iii) omitting the words “ or Areas ”;

(g) in clause 26 omitting the words “, National Parks and Scenic Areas ” and inserting in their stead the words “ and National Parks ”.