



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 33 of 1974

**An Act to amend the Forestry Act 1959–1973 and The
Sawmills Licensing Acts 1936 to 1965 each in certain
particulars**

[ASSENTED TO 2ND MAY, 1974]

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. Short title and citation. (1) This Act may be cited as the *Forestry Act and Another Act Amendment Act 1974*.

(2) The *Forestry Act 1959–1973* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Forestry Act 1959–1974*.

2. Amendment of s. 3. Section 3 of the Principal Act is amended by—
(a) inserting after the expression “PART II—ADMINISTRATION AND FUNCTIONS (ss. 6–22);” the expression—

“PART IIA—TIMBER RESEARCH AND DEVELOPMENT ADVISORY COUNCILS (ss. 22A–22V);

Division I—Timber Research and Development Advisory Council of South and Central Queensland;

Division II—Timber Research and Development Advisory Council of North Queensland;

Division III—Miscellaneous Provisions;”;

(b) omitting all words comprising the reference therein to PART IV and substituting the words “PART IV—MANAGEMENT OF STATE FORESTS, TIMBER RESERVES AND FOREST ENTITLEMENT AREAS (ss. 33–39C);”;

(c) omitting all words comprising the reference therein to PART VII and substituting the words “PART VII—CONTROL AND PROHIBITION OF FIRES ON STATE FORESTS, TIMBER RESERVES, FOREST ENTITLEMENT AREAS, NATIONAL PARKS AND ENVIRONMENTAL PARKS (ss. 62–69);”.

3. Amendment of s. 5. Section 5 of the Principal Act is amended by—

(a) inserting after the definition “Environmental Park” the following definition:—

““Forest Entitlement Area”—An area of land to which a reservation prescribed by section 147B of the *Land Act* 1962–1974 relates;”;

(b) in the definition “forest products”,

(i) inserting after the words “Timber Reserve” the words “, Forest Entitlement Area”;

(ii) adding at the end thereof the words “or on a Forest Entitlement Area by the lessee or owner”;

(c) inserting after the definition “Local Authority” the following definition:—

““Magistrates Court”—A Magistrates Court constituted under the *Justices Act* 1886–1973;”.

4. Amendment of s. 11. Section 11 of the Principal Act is amended by, in subsection (1), adding at the end of provision (ii) the words “and Forest Entitlement Areas”.

5. Amendment of s. 18. Section 18 of the Principal Act is amended by, in subsection (1), inserting in provision (iii) after the words “National Park,” the words “Forest Entitlement Area.”.

6. New Part IIA. The Principal Act is amended by inserting after section 22 the following heading and sections:—

“PART IIA—TIMBER RESEARCH AND DEVELOPMENT ADVISORY COUNCILS

Division I—Timber Research and Development Advisory Council of South and Central Queensland

22A. Constitution. (1) There is established, and there shall at all times hereafter be constituted a body called the “Timber Research and Development Advisory Council of South and Central Queensland”.

(2) The Timber Research and Development Advisory Council of South and Central Queensland by that name shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall be capable in law of suing and being sued, of compounding or proving in any court of competent jurisdiction all debts and sums of money due to it and of acquiring, holding, demising and alienating property and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal and until the contrary is proved, shall presume that it was duly fixed to any document on which it appears.

22B. Composition. (1) The persons who immediately before the passing of the *Forestry Act and Another Act Amendment Act 1974* comprised the body constituted on 13th June 1970 and called the "Timber Research and Development Advisory Council of South and Central Queensland" shall, subject to this Act, comprise the body of that name as first established by this Part.

(2) The Timber Research and Development Advisory Council of South and Central Queensland shall consist of a chairman and nine other members, appointed by the Minister by notification published in the Gazette, of whom—

- (a) three shall be officers of the Department of Forestry nominated by the Conservator of Forests;
- (b) two shall be representatives of the timber industry appointed from a panel of persons nominated by one or more associations representative of persons engaged in the timber industry in that part of the State lying south of 25 degrees 35 minutes of south latitude;
- (c) two shall be representatives of the timber industry appointed from a panel of persons nominated by one or more associations representative of persons engaged in the timber industry in that part of the State lying between 25 degrees 35 minutes and 19 degrees 20 minutes of south latitude;
- (d) two shall be representatives of the timber industry generally in that part of the State lying south of 19 degrees 20 minutes of south latitude.

22C. Functions. The functions of the Timber Research and Development Advisory Council of South and Central Queensland are:—

- (a) to advise the Minister with respect to—
 - (i) the promotion, merchandising and market development of sawn timber and timber products and the conduct of research into those aspects of the timber industry;
 - (ii) the education, training, safety and working conditions of employees, and the control of the quality of timber, in the timber manufacturing industry;
 - (iii) the conduct of research and other investigations into product development and manufacturing costs in the timber manufacturing industry;

(b) with the consent of the Minister, to undertake operations with respect to those matters referred to in subparagraph (a), and for those purposes to do such acts and things as are necessary or desirable,
in that part of the State lying south of 19 degrees 20 minutes of south latitude.

22D. Validation of acts done. All transactions entered into prior to the passing of the *Forestry Act and Another Act Amendment Act 1974* by any person for and on behalf of the body referred to in subsection (1) of section 22A or relating to the affairs of that body shall be deemed to have been duly entered into by the Timber Research and Development Advisory Council of South and Central Queensland to the exclusion of the persons by whom the transactions were entered into and all agreements made in relation thereto may be enforced by and against that Council accordingly.

Division II—Timber Research and Development Advisory Council of North Queensland

22E. Constitution. (1) There is established, and there shall at all times hereafter be constituted a body called the "Timber Research and Development Advisory Council of North Queensland".

(2) The Timber Research and Development Advisory Council of North Queensland by that name shall be a body corporate with perpetual succession and a common seal and, subject to this Act, shall be capable in law of suing and being sued, of compounding or proving in any court of competent jurisdiction all debts and sums of money due to it and of acquiring, holding, demising and alienating property and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal and until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

22F. Composition. (1) The persons who immediately before the passing of the *Forestry Act and Another Act Amendment Act 1974* comprised the body constituted on 13th June 1970 and called the "Timber Research and Development Advisory Council of North Queensland" shall, subject to this Act, comprise the body of that name as first established by this Part.

(2) The Timber Research and Development Advisory Council of North Queensland shall consist of a chairman who shall be the person appointed as chairman of the Timber Research and Development Advisory Council of South and Central Queensland pursuant to subsection (2) of section 22B, and six other members appointed by the Minister by notification published in the Gazette, of whom—

- (a) two shall be officers of the Department of Forestry nominated by the Conservator of Forests;
- (b) two shall be representatives of the timber industry appointed from a panel of persons nominated by one or more associations representative of persons engaged in the timber industry in that part of the State lying north of 19 degrees 20 minutes of south latitude;

- (c) two shall be representatives of the timber industry generally in that part of the State lying north of 19 degrees 20 minutes of south latitude.

22G. Functions. The functions of the Timber Research and Development Advisory Council of North Queensland are—

- (a) to advise the Minister with respect to—
- (i) the promotion, merchandising and market development of sawn timber and timber products and the conduct of research into those aspects of the timber industry;
 - (ii) the education, training, safety and working conditions of employees, and the control of the quality of timber in the timber manufacturing industry;
 - (iii) the conduct of research and other investigations into product development and manufacturing costs in the timber manufacturing industry;
- (b) with the consent of the Minister to undertake operations with respect to those matters referred to in subparagraph (a), and for those purposes to do such acts and things as are necessary or desirable,

in that part of the State lying north of 19 degrees 20 minutes of south latitude.

22H. Validation of acts done. All transactions entered into prior to the passing of the *Forestry Act and Another Act Amendment Act 1974* by any person for and on behalf of the body referred to in subsection (1) of section 22E or relating to the affairs of that body shall be deemed to have been duly entered into by the Timber Research and Development Advisory Council of North Queensland to the exclusion of the persons by whom the transactions were entered into and all agreements made in relation thereto may be enforced by and against that Council accordingly.

Division III—Miscellaneous Provisions

22I. Tenure of office. A member of a Council—

- (a) shall hold office during the Minister's pleasure;
- (b) may resign his office at any time by writing signed by him furnished to the Minister.

22J. Non-application of Public Service Act. The provisions of the *Public Service Act 1922–1973* shall not apply to the appointment of a member or employee of a Council and such member or employee shall not in that capacity be subject to that Act, but an officer of the Public Service of the State may, in addition to the position he holds therein, hold office as a member of a Council.

22K. Casual vacancies. When a vacancy occurs in the office of a member of a Council, the Minister may appoint another member in accordance with section 22B or 22F, as the case requires.

22L. Failure to nominate. If an association entitled under this Part to nominate a panel of persons fails within the prescribed time after a requisition in writing in that behalf by the Minister to submit a nomination, the Minister may without that nomination appoint a suitable person as a member of the Council concerned to represent the interests of the persons concerned, and the person so appointed shall be deemed to be duly appointed.

22M. Disqualification. A person shall not be eligible to become a member of a Council if he—

- (a) is a patient within the meaning of the *Mental Health Act 1974*;
- (b) is an undischarged bankrupt or has otherwise taken advantage of the laws relating to bankruptcy;
- (c) in the State, has been convicted of an indictable offence or, elsewhere than in the State, has been convicted of an offence that would be an indictable offence if committed in the State.

22N. Proceedings. (1) The Chairman of a Council shall preside at every meeting of the Council at which he is present.

(2) The members of a Council may elect one of their number to be deputy chairman of the Council who shall act as chairman in the absence of the chairman.

(3) In the absence of both the chairman and deputy chairman the members present at a meeting of a Council shall elect from their number a chairman for the day.

(4) The deputy chairman and the chairman for the day, whilst acting as chairman, shall have all the powers, duties, functions and immunities of the chairman.

(5) A member of a Council and a member of a sub-committee thereof shall be paid such fees and allowances as are prescribed.

(6) Subject to this Act, a Council shall conduct its business and proceedings at meetings in such manner as it determines from time to time.

22O. Appointment of employees. For the purpose of carrying out its functions under this Part, a Council—

- (a) may appoint and employ such administrative and technical officers, clerks and other employees as it considers necessary;
- (b) may enter into, perform and discharge any agreement with respect to the payment of salary, wages, expenses or other moneys to be paid to or in respect of any person who performs duties on behalf of a Council for the purposes of this Part.

22P. Superannuation scheme. A Council—

- (a) may contribute to or maintain any superannuation or provident schemes established at the passing of the *Forestry Act and Another Act Amendment Act 1974* for the benefit of employees of a Council or their dependants;
- (b) may establish, contribute to, maintain or join in establishing, contributing to or maintaining such superannuation or provident schemes as it thinks fit for the benefit of its employees or their dependants;
- (c) may vary or join in varying a superannuation or provident scheme to which it contributes or that it maintains, either alone or with others, whether the scheme was established before or after the passing of the *Forestry Act and Another Act Amendment Act 1974*.

22Q. Accounts. (1) A Council shall keep accurately such accounts, books and records of its receipts and expenditure as are prescribed or, so far as they are not prescribed, as the Auditor-General from time to time requires.

(2) At least once in each year the Auditor-General or a person authorized by him in that behalf shall audit the accounts of each Council and the Auditor-General shall have with respect to the audit and accounts all the powers and authorities conferred on him by the *Audit Act 1874-1968*.

The Auditor-General shall report thereon.

22R. Annual report. As soon as practicable after 30th June and before 1st October in each year, each Council shall furnish to the Minister a report of its operations under this Part for the last preceding financial year.

The Minister shall lay every report before the Legislative Assembly.

22S. Additional stumpage. In addition to the stumpage payable at the material time under the regulations there shall be payable to the Crown in respect of forest products an amount fixed by the Conservator of Forests from time to time with the approval of the Minister.

Amounts received by the Conservator of Forests pursuant to this section shall be paid into and form part of the Forestry and Lumbering Fund established at the Treasury, and shall be applied in defraying expenses incurred by a Council and any other sums required to be paid by a Council.

22T. Estimates of expenditure. (1) Before the commencement of any financial year the Conservator of Forests shall furnish to each Council an estimate of the amount of the sums that are likely to be paid to it under section 22s during that financial year.

(2) After receipt of an estimate under subsection (1) in respect of any financial year, each Council shall prepare and submit to the Minister an estimate of its expenditure during that financial year.

(3) An estimate under subsection (2) shall contain such particulars as the Minister directs.

(4) The Minister may direct a Council to submit to him an estimate under subsection (2) within such time as is specified in the direction and if a Council fails to submit an estimate within the time specified, expenditure on behalf of that Council shall not be met out of the Forestry and Lumbering Fund without the approval of the Minister until an estimate is submitted to the Minister and approved by him.

22U. Interpretation. In this Part "financial year" means the period of 12 months commencing on 1st July in any year and terminating on 30th June in the year next following.

22v. Saving. This Part shall be read and construed so as not to affect the powers, authorities, functions and duties of the Conservator of Forests or the Department of Forestry under this Act."

7. **Amendment of heading to Part IV.** The Principal Act is amended by omitting the heading appearing therein immediately before section 33 and substituting the following heading:—

“ PART IV—MANAGEMENT OF STATE FORESTS, TIMBER RESERVES AND FOREST ENTITLEMENT AREAS ”.

8. **Amendment of s. 37.** Section 37 of the Principal Act is amended by omitting the words “ or Timber Reserve ” wherever they occur and substituting in each case the words “ , Timber Reserve or Forest Entitlement Area ”.

9. **Amendment of s. 39.** Section 39 of the Principal Act is amended by omitting the words “ or Timber Reserve ” and substituting the words “ , Timber Reserve or Forest Entitlement Area ”.

10. **New s. 39A.** The Principal Act is amended by inserting after section 39 the following section:—

“ 39A. **Forest Entitlement Areas.** (1) The cardinal principle to be observed in the administration of Forest Entitlement Areas shall be the utilisation and management of such Areas for the production of indigenous timber and associated products in perpetuity and the Conservator of Forests shall use and manage such Areas in such manner as appears to him most appropriate to achieve that purpose and, in doing so, he shall endeavour to have the person with whom there subsists at the material time an agreement made pursuant to this section participate in the protection and silvicultural treatment of the timber thereon under the supervision of the Department.

(2) In addition to all other powers conferred on him by this Act, for the purpose of using and managing a Forest Entitlement Area the Conservator of Forests—

(a) shall have free right of access including ingress, egress and regress, for himself his servants and agents and persons authorized by him to and from the Area including rights of ingress, egress and regress in, into, over, upon, along, across and out of the Area and such other part of parts of the land the instrument of title whereof expresses the reservation prescribed by section 147B of the *Land Act* 1962–1974 in relation to the Area as are agreed to by the lessee or owner of the land or, failing such agreement, as will cause in the opinion of the Conservator of Forests as little damage as possible to the land and as little inconvenience as possible to the lessee or owner thereof;

(b) may—

- (i) determine and cause to be put into operation the silvicultural system most suitable in his opinion to the circumstances of the Area;
- (ii) make or cause to be made surveys (including aerial surveys and assessment surveys) of the Area;
- (iii) determine the quantities and kinds of forest products that may be got, sold or removed from the Area and the times at which the same may be got, sold or removed;

- (iv) control, manage, work and protect the Area and control, manage, work, protect, get, sell and remove forest products therein or thereon, and authorize other persons to do any of such things;
 - (v) determine and implement methods of managing, working, getting, selling or removing forest products in or on the Area;
 - (vi) make on the Area and on land in respect of which he has free right of access under subparagraph (a) fire breaks and such formed and unformed tracks, bridges, culverts and other works as are necessary for the management, protection and getting of forest products in or on the Area;
 - (vii) undertake, carry out and maintain on the Area fencing and protection works of every kind and description;
- (c) may—
- (i) make an agreement with the lessee or owner of land that is or includes the Area or with any person approved by the lessee or owner whereby the contracting party may participate in the protection and silvicultural treatment of the timber on the Area, under the supervision of the Department, on the terms and conditions agreed to, which terms and conditions may provide for a sharing by the Conservator of Forests and the contracting party of the proceeds of the sale of forest products in or on the Area;
 - (ii) permit the contracting party to make and effect improvements and works of development in the Area with the approval of the Conservator of Forests first had and obtained and on such terms and conditions as the Conservator thinks fit;
 - (iii) permit the contracting party to do in the Area such things as the Conservator approves and on such terms and conditions as the Conservator thinks fit;
 - (iv) permit the destruction by the contracting party of such trees in the Area as the Conservator of Forests determines on such terms and conditions as the Conservator thinks fit;
- (d) may, by agreement with the contracting party, cancel an agreement made pursuant to this section and make further such agreements with the person who was such contracting party and with one or more other persons being in each case the lessee or owner of land that is or includes the Area or any part thereof or a person approved by the lessee or owner so that each such further agreement relates to a part of the Area;
- (e) may cancel an agreement made with any person pursuant to this section by notice in writing given to the contracting party or in any other manner authorized by this Act, if the contracting party commits an offence or permits the commission of an offence against any provision of this Act, or fails to perform or comply with any term

or condition of the agreement that binds him whereupon (without prejudice to the operation of section 58) the rights, privileges and liabilities of the contracting party in respect of the Area, that attached by reason of his being a party to the agreement, shall cease, save for a liability on account of anything done or omitted by him or on his behalf before the cancellation of the agreement.

(3) The rights of a contracting party under an agreement made under this section and the obligation of a contracting party to perform such an agreement—

- (a) shall not attach to the land of which the contracting party is lessee or owner and shall not pass with such land;
- (b) shall not survive the contracting party;
- (c) shall not be capable in law of being assigned and any purported assignment thereof shall be void;
- (d) shall cease upon the contracting party being made bankrupt or otherwise taking advantage of the law relating to bankruptcy.”.

11. New ss. 39B and 39C. The Principal Act is amended by inserting after section 39A as inserted by this Act the following sections:—

“ 39B. Rights and liabilities of contracting party in respect of Forest Entitlement Areas. A contracting party—

- (a) shall comply with all requirements of the Conservator of Forests in respect of the control, management, working and protection of the Forest Entitlement Area, or part thereof, to which the agreement made with him pursuant to section 39A relates, and of the control, management, working, protection, getting, removal and sale of forest products therein or thereon;
- (b) where the agreement made with him pursuant to section 39A provides for his sharing in the proceeds of sale of any forest products in or on the Forest Entitlement Area to which the agreement relates, shall not be entitled to any amount on account of such proceeds until the forest products concerned have been sold and the proceeds of sale are in the hands of the Conservator of Forests;
- (c) subject to section 39A (3), shall have the rights and liabilities conferred or imposed on him by the agreement made with him pursuant to section 39A for as long as the agreement subsists.

39C. Interpretation. In sections 39A and 39B the expression “ contracting party ” means every party to a subsisting agreement made under section 39A in relation to a Forest Entitlement Area, or any part thereof, or in relation to the management, control or use of such an area or part, or in relation to the forest products therein or thereon, being a person with whom the Conservator of Forests has made the agreement.”.

12. Amendment of s. 40C. Section 40C of the Principal Act is amended by, in subparagraph (c), omitting provision (i) and substituting the following provision:—

“(i) the applicant for the permit holds scientific qualifications consisting of a degree, diploma or certificate (in each case recognized by the Conservator of Forests and obtained after due examination) of a university or college of advanced education recognized in the State or Territory of the Commonwealth or other country wherein it is situated and by the Conservator of Forests as authorized to grant such a degree, diploma or certificate;”.

13. Amendment of s. 45. Section 45 of the Principal Act is amended by inserting in provision (iv) after the word “material” the words “on all Forest Entitlement Areas and”.

14. Amendment of heading to Part VII. The Principal Act is amended by, in the heading appearing therein immediately before section 62, inserting after the words “TIMBER RESERVES” the words “, FOREST ENTITLEMENT AREAS”.

15. Amendment of ss. 62 to 68. The Principal Act is amended by inserting after the words “Timber Reserve” wherever they occur in section 62, 63, 64, 65, 66, 67 or 68 the words “, Forest Entitlement Area”.

16. Amendment of s. 69. Section 69 of the Principal Act is amended by—

(a) omitting the note appearing in and at the commencement of the section and substituting the following note:—

“Forfeiture of leases and the like and cancellation of agreements.”;

(b) omitting from subsection (2) the second paragraph;

(c) adding at the end of the section the following subsections:—

“(3) Where the Minister is satisfied that, by reason of a failure to comply with any provision of the *Rural Fires Act 1946–1973* or of Part VII of this Act by any party to an agreement made with him by the Conservator of Forests under section 39A, the continuance of that party’s rights in respect of the Forest Entitlement Area, or part thereof, to which the agreement relates is prejudicial to the objects of this Act and detrimental to the public interest he may instruct the Conservator of Forests to cancel the agreement and the Conservator shall cancel the agreement accordingly in the manner prescribed.

The power conferred by this subsection is in addition to any other power of cancellation conferred by this Act or had by any person.

(4) Upon a cancellation of an agreement made under section 39A, whether the cancellation be effected pursuant to subsection (3) or pursuant to any other power conferred by this Act,

(a) the Minister shall cause notice in writing of the cancellation to be given to every party to the contract (other than the Conservator) affected thereby;

(b) the obligation of every person with whom the Conservator has made the agreement affected by the cancellation to perform that agreement shall cease but without prejudice to any liability incurred by any such person on account of anything done or omitted before the cancellation.

(5) Subsections (5), (6) and (7) of section 58 shall apply, with all necessary adaptations, to a forfeiture, cancellation or suspension effected under this section.”.

17. Amendment of s. 72. Section 72 of the Principal Act is amended by, in subsection (1),

(a) omitting the second paragraph of provision (a) and substituting the following paragraph:—

“ A copy of that notification shall be posted up at the forestry office nearest to the area and a further copy thereof sent to—

(i) every clerk of a Magistrates Court for the Magistrates Courts District or Districts within which the area is situated; and

(ii) every inspector of stock for the district or districts within which the area is situated,

and, upon receipt, posted up by those officers at their respective offices;”;

(b) omitting the words “ a National Park (such forest, reserve, or, as the case may be, park being hereinafter in this section referred to as the “ area ”) and substituting the words “ , Forest Entitlement Area or National Park (such Forest, Reserve, Area or, as the case may be, Park being hereinafter in this section referred to as the “Area ”)”. ”.

18. Amendment of ss. 73, 74 and 75. The Principal Act is amended by—

(a) in sections 73, 74 and 75 omitting the words “ or National Park ” wherever they occur and substituting in each case the words “ , Forest Entitlement Area or National Park ”;

(b) in section 74, omitting the words “ court of petty sessions ” where they occur and substituting in each case the words “ Magistrates Court ”

19. Amendment of s. 76. Section 76 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) Whenever he thinks it necessary or desirable the Minister may, by notification in the Gazette, prescribe that, while the notification remains in force, no person shall, in respect of a State Forest or Timber Reserve, or a specified part thereof, and no person other than a person who is therein under the authority conferred by an agreement made in relation to that Area under section 39A or by his being lessee or owner of land that is or includes that Area, shall, in respect of a Forest Entitlement Area or a specified part thereof, enter in or on or remain within the Forest, Reserve or, as the case may be, Area specified in the notification or, where a part only thereof is specified therein, the part so specified, except under and in accordance with a permit granted by the Conservator of Forests for the purposes of this section.

The Minister may at any time in like manner revoke or vary a notification made under this subsection.”.

20. Amendment of s. 77. Section 77 of the Principal Act is amended by inserting after the words “ Timber Reserve ” wherever they occur the words “, Forest Entitlement Area ”.

21. Amendment of s. 88. Section 88 of the Principal Act is amended by, in subsection (2),

(a) numbering the existing provisions of paragraph (b) as subparagraph (i);

(b) omitting the words “ paragraph (b) ” and substituting the words “ subparagraph (i) ”;

(c) inserting after the provision commencing with the word ‘Furthermore’ the following subparagraph:—

“(ii) Where a person is convicted of an offence in respect of unauthorized interference with forest products on land reserved or dedicated for public purposes under the control of a Local Authority (including any road save a declared road within the meaning of section 2 of the *Main Roads Act 1920-1972*), the court pronouncing the conviction may, if it is satisfied that the Local Authority in which control of the land is vested is willing to undertake the work, in addition to imposing a penalty upon that person, order him to pay to the Conservator of Forests a sum by way of compensation to cover the cost of—

(A) clearing from the land debris caused by the offence;

(B) replacing trees destroyed by that person and tending trees so replaced for a period of 12 months.

The Conservator of Forests shall remit to the Local Authority concerned moneys received by him by way of compensation pursuant to this subparagraph (ii) and that Local Authority shall use those moneys for the purposes for which they were ordered to be paid.”.

22. Amendment of Second Schedule. The Principal Act is amended by, in the Second Schedule,

(a) in clause 26,

(i) inserting after the words “ Timber Reserves ” the words “, Forest Entitlement Areas ”;

(ii) omitting the words “ and which are unbranded or have no reputed or apparent owner ”;

(b) adding the following clause:—

“ **28. Advisory Councils.** Prescribing in relation to a Timber Research and Development Advisory Council with respect to—

(a) the procedure at meetings and the conduct of business;

(b) the formation of sub-committees;

(c) fees and allowances payable to members of a Council and any sub-committee thereof;

(d) accounts, books and records to be kept.”.

23. Amendment of The Sawmills Licensing Acts 1936 to 1965. (1) *The Sawmills Licensing Acts 1936 to 1965* are amended by, in section 2,

(a) in the definition "Log", omitting the words "being moved against a saw" and substituting the words "a sawmill required to be licensed under this Act";

(b) in the definition "Sawmill", omitting from subparagraph (iii) provision (b) and substituting the following provision:—

"(b) any chain-saw or portable power-driven cross-cut or circular saw that is used otherwise than for the sawing of logs across a bench if, when so used—

(i) every saw comprised in that unit of machinery is moved through a stationary log solely by manual means; and

(ii) the position of every such saw is adjustable, in relation to the stationary log, solely by manual means;"

(2) *The Sawmills Licensing Acts 1936 to 1965* as amended by this section may be cited as the *Sawmills Licensing Act 1936-1974*.