



ANNO VICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

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No. 9 of 1976

**An Act to amend the Forestry Act 1959–1975 in certain particulars**

[ASSENTED TO 2ND APRIL, 1976]

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 Amendment Act 1976*.

(2) In this Act the *Forestry Act 1959–1975* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Forestry Act 1959–1976*.

2. Amendment of s. 27. Section 27 of the Principal Act is amended by omitting from subparagraph (i) the words "setting aside" and substituting the words "setting apart".

3. Amendment of s. 28. Section 28 of the Principal Act is amended by omitting from the proviso to subsection (3) the words "or National Park".

4. Amendment of s. 29. Section 29 of the Principal Act is amended by omitting from subsection (1) the words "or Timber Reserve".

5. Amendment of s. 30. Section 30 of the Principal Act is amended by omitting from subparagraph (a) the words "setting aside" and substituting the words "setting apart".

6. New s. 31A. The Principal Act is amended by inserting after section 31 the following section:—

"31A. Unlawful use of expression "National Park". (1) A person shall not—

- (a) publish a statement or advertisement, oral or in writing; or
- (b) in Queensland, do any act or take any step to cause the publication outside Queensland of a statement or advertisement,

which statement or advertisement

is calculated to promote the use of any land or water in Queensland or a transaction concerning any land or water in Queensland; and

includes the expression "National Park", used in relation to that land or water or part thereof either alone or in combination with any other word or words,

unless the land or water or, as the case may be, part thereof in relation to which the expression is used is set apart and declared as a National Park under this Act.

(2) For the purposes of this section a statement or advertisement shall be taken to be published if—

- (a) it is printed in a newspaper, magazine or other publication;
- (b) it is publicly exhibited—
  - (i) in, on over or under a vehicle, vessel, building or other place whatsoever; or
  - (ii) in the air so as to be seen by any person who may be in or on any public place;
- (c) it is contained in a document gratuitously sent or given to any person or thrown into or left upon premises in the occupation of any person;
- (d) it is publicly announced or displayed by means of transmission of sound or light; or
- (e) being an oral statement, it is made by one person to another.

(3) If a statement or advertisement purports to have been published by a particular person that person shall be taken to have published the statement or advertisement until the contrary is proved.

(4) It is a defence to a charge of an offence that consists partly of an element specified in provision (b) of subsection (1) to prove that the statement or advertisement was not published.”.

**7. Repeal of and new s. 33.** The Principal Act is amended by repealing section 33 and substituting the following section:—

“**33. Cardinal principle of management of State Forests.** The cardinal principle to be observed in the management of State Forests shall be the permanent reservation of such areas for the purpose of producing timber and associated products in perpetuity and of protecting a watershed therein.

In carrying out the objects and purposes of this Act in respect of a State Forest the Conservator of Forests shall use and manage the area concerned in such manner as appears to him most appropriate to achieve the aforesaid purposes and therein shall have due regard to—

- (a) the benefits of permitting grazing in the area;
- (b) the desirability of conservation of soil and the environment and of protection of water quality;
- (c) the possibility of applying the area to recreational purposes.”.

**8. Amendment of s. 34.** Section 34 of the Principal Act is amended by adding at the end of subsection (1), after provision (ix), the following provisions:—

“ ;

- (x) Promote and encourage the use of a State Forest or any part or parts thereof for recreational purposes;
- (xi) Exempt by order under his hand a State Forest or any part or parts of a State Forest from the getting of forest products therein with a view to the retention of the area exempted in the natural state”.

**9. Amendment of s. 87.** Section 87 of the Principal Act is amended by omitting the words “ One hundred and fifty pounds or imprisonment for six months ” and substituting the words “ \$1 000 or imprisonment for 12 months ”.

**10. Amendment of s. 88.** Section 88 of the Principal Act is amended by omitting from paragraph (a) of subsection (2) the words “ five pounds ” and the words “ one hundred pounds ” and from the proviso thereto the words “ ten pounds ” and the words “ two hundred pounds ” and substituting respectively the expressions “ \$100 ”, “ \$500 ”, “ \$200 ” and “ \$1 000 ”.

**11. Amendment of Second Schedule.** The Second Schedule to the Principal Act is amended by—

(a) omitting from subparagraph (viii) of clause 21 the expressions “\$400” and “\$20” and substituting respectively the expressions “\$1 000” and “\$200”;

(b) omitting from clause 27 the words “one hundred pounds” and substituting the expression “\$500”.