



ANNO VICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

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No. 10 of 1979

**An Act to amend the Forestry Act 1959–1976 in certain particulars**

[ASSENTED TO 30TH APRIL, 1979]

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 1979*.

(2) In this Act, the *Forestry Act 1959–1976* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Forestry Act 1959–1979*.

**2. Commencement.** This Act shall come into operation on a date to be proclaimed.

**3. Repeal of and new s. 22B.** The Principal Act is amended by repealing section 22B and substituting the following section:—

**“ 22B. Composition.** (1) The Timber Research and Development Advisory Council of South and Central Queensland shall consist of a chairman and nine other members.

(2) The chairman shall be appointed by the Minister by notification published in the Gazette after considering a panel of at least two names nominated jointly by such associations, boards or bodies as are prescribed from time to time for the purposes of this subsection by notification published in the Gazette.

(3) In appointing a person to be the chairman of the Council the Minister shall not be bound to appoint any person whose name is nominated pursuant to subsection (2).

(4) The nine other members of the Council shall be 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 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 appointed—

(i) from a panel of names nominated jointly by such associations, boards or bodies as are prescribed for the purposes of this subparagraph by notification published in the Gazette; or

(ii) if such associations, boards or bodies are unable to agree upon a panel of names, from panels of names nominated by each such association, board or body;

(c) two shall be representatives of persons engaged in the timber industry in that part of the State lying south of 25 degrees 35 minutes of south latitude appointed—

(i) from a panel of names nominated jointly by such associations, boards or bodies as are prescribed for the purposes of this subparagraph by notification published in the Gazette; or

(ii) if such associations, boards or bodies are unable to agree upon a panel of names, from panels of names nominated by each such association, board or body;

(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.”.

**4. Repeal of and new s. 22F.** The Principal Act is amended by repealing section 22F and substituting the following section:—

**“ 22F. Composition.** (1) The Timber Research and Development Advisory Council of North Queensland shall consist of a chairman and six other members.

(2) The Chairman shall be appointed by the Minister by notification published in the Gazette after considering a panel of at least two names nominated jointly by such associations, boards or bodies as are prescribed from time to time for the purposes of this subsection by notification published in the Gazette.

(3) In appointing a person to be the chairman of the Council the Minister shall not be bound to appoint any person whose name is nominated pursuant to subsection (2).

(4) The six other members of the Council shall be 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 persons engaged in the timber industry in that part of the State lying north of 19 degrees 20 minutes of south latitude appointed—
  - (i) from a panel of names nominated jointly by such associations, boards or bodies as are prescribed for the purposes of this subparagraph by notification published in the Gazette; or
  - (ii) if such associations, boards or bodies are unable to agree upon a panel of names, from panels of names nominated by each such association, board or body;
- (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.”.

**5. Repeal of and new s. 221.** The Principal Act is amended by repealing section 221 and substituting the following section:—

“**221. Tenure of office.** (1) A member of a Council shall be appointed for a term of two years (or for such less term as is determined by the Minister) and, if he is duly nominated for a second or subsequent appointment, shall be eligible for further appointment to membership of a Council (unless the Minister determines otherwise), but in every case unless his office is sooner vacated as prescribed, his appointment shall be deemed to continue until his successor, duly appointed in accordance with this Part, assumes his office as member.

(2) A member of a Council may resign his office at any time by writing signed by him furnished to the Minister.

(3) The Minister may at any time remove a member from office as member if—

- (a) he becomes incapable, in the opinion of the Minister, of discharging the duties of his office;
- (b) he is, in the opinion of the Minister, incompetent or unfit to hold office.”.

**6. Amendment of s. 22L.** Section 22L of the Principal Act is amended by—

(a) omitting the words “an association” and substituting the words “any association, board or body”;

(b) omitting the words “prescribed time after” and substituting the words “time specified in”;

(c) inserting after the words “suitable person” the words “as the chairman of the Council concerned or”.

**7. Amendment of s. 22S.** Section 22s of the Principal Act is amended by in the first paragraph omitting the words “fixed by the Conservator of Forests from time to time with the approval of the Minister” and substituting the words “approved by the Minister on the recommendation of the Conservator of Forests who before making that recommendation shall consult with such associations, boards or bodies as are prescribed from time to time for the purposes of this section by notification published in the Gazette”.

**8. Amendment of s. 91.** Section 91 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) Where any forest products are or any quarry material is got, ringbarked, destroyed, damaged, used, marked or in any way interfered with in contravention of this Act the Conservator of Forests may demand payment of—

(a) the value of such forest products or quarry material;

(b) the value of the damage to the forest and any property vested in the Conservator of Forests occasioned by the contravention; and

(c) the cost and expense of the investigation by or on behalf of the Conservator of Forests of the contravention,

in such amount or amounts as the Conservator of Forests determines, from the person who actually committed the contravention of this Act or, where the contravention has occurred by reason of any instruction or information given by any other person, from that other person.

Upon payment to the Conservator of Forests by the person upon whom such demand is made of the amount or amounts so demanded the Conservator of Forests may, in his discretion, allow such person to gather and remove the whole or any part of the forest products or quarry material in relation to which the contravention of this Act occurred and to retain the same.

Where two or more persons have given any instruction or information, by reason of which the contravention of this Act was committed, demand under this subsection shall be made on the person who first gave that instruction or information.

Any amount so demanded and not paid may be recovered by the Conservator of Forests by summary proceedings upon complaint or by action as for a debt in any court of competent jurisdiction.

A proceeding or action under this section for the recovery of any amount may be commenced whether or not proceedings for prosecution of an offence against this Act are commenced or not and whether any person is convicted therefor or not.

For the purposes of this section the value of any tree shall be taken to be the sale price ordinarily obtainable on the sale of the tree as it stood immediately before the act that has rendered the person concerned liable under this section to a demand upon him by the Conservator of Forests.”.