

Version No. 001
Forests (Licences and Permits) Regulations
1988

S.R. No. 472/1988

Version as at 22 April 1998

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PART 1—PRELIMINARY

1. *Title*

These Regulations may be cited as the Forests (Licences and Permits) Regulations 1988.

2. *Objective*

The objective of these Regulations is to prescribe the mode of applying for licences and permits under the **Forests Act 1958** and the terms and conditions applicable to those licences and permits.

3. *Authorising provision*

These Regulations are made under section 99 of the **Forests Act 1958**.

4. *Commencement*

These Regulations come into operation on the day these Regulations are made.

5. *Definition*

In these Regulations—

"Act" means the **Forests Act 1958**.

PART 2—LICENCES AND PERMITS

Division 1—Applications for Licences and Permits

6. *Applications*

- (1) An applicant for a licence or permit must, if requested by the Director-General, include in the application any of the following—
 - (a) the purpose for which the licence or permit is required;
 - (b) the name of the forest block or area in respect of which the licence or permit is required;
 - (c) the names of the parish and the county in which the forest block or area is situated;
 - (d) in the case of a licence or permit to occupy an area of reserved forest for any purpose, a sketch plan of the area.
- (2) An applicant for a licence or permit must lodge the application with the Director-General.

Division 2—General

7. *Terms and conditions of licence or permit*

A licence or permit is subject to the condition that the licensee or permittee must ensure that—

- (a) any damage or obstruction to or of any road, track, fire break, culvert, drain, water race, dam, building, bridge or any other structure; and
- (b) any obstruction or pollution of any reservoir, river, stream or watercourse—

caused by the licensee or permittee or his or her employees is rectified by the licensee or permittee

at his or her own expense to the satisfaction of and within the time specified by the Director-General.

Division 3—Licences and Permits for Forest Produce

8. *Terms and conditions of licence or permit for forest produce*

- (1) A licence or permit to cut, dig and take away forest produce is subject to the following terms and conditions—
 - (a) the licensee or permittee must ensure that—
 - (i) all operations are conducted in locations specified from time to time by the Director-General; and
 - (ii) operations are conducted at a rate satisfactory to the Director-General; and
 - (iii) only those trees or groups of trees which the Director-General has branded or otherwise specified are felled; and
 - (iv) the forest produce which is cut or taken away is of the kind and quantity specified in the licence or permit; and
 - (v) the directions of the Director-General with regard to the felling of damaged trees and the removal of the forest produce of any tree are carried out; and
 - (vi) the directions of the Director-General with regard to the removal or disposal of any structure, materials, residue or debris arising from the operations of the licensee or permittee are carried out within the time specified by the Director-General; and

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- (vii) there is compliance with the directions of the Director-General in respect of—
- (A) the location at which and manner in which forest produce is to be measured; and
 - (B) the means of identification of forest produce; and
 - (C) in the case of timber, the marking of measurements and means of identification on the forest produce and on the tree stump; and
 - (D) the furnishing of details of such measurements and means of identification;
- (b) the licensee or permittee must when directed in writing by the Director-General and in respect of the period specified in such direction make a declaration to the Director-General as to the quantity and description of forest produce obtained, received, hauled, removed, hewn, sawn or otherwise treated, transported or consigned by road, rail or water and specifying the place where any forest produce was obtained and to which any forest produce is consigned;
- (c) the licensee or permittee must not make a false or misleading declaration under paragraph (b);
- (d) the licensee or permittee must not construct any track, road, landing, building or other structure without the authority in writing of the Director-General and if authority has been given, the track, road, landing, building or other structure must be constructed in
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- accordance with the directions of the Director-General as to location and construction;
- (e) any road or track constructed by the licensee or permittee must be maintained by him or her to the satisfaction of the Director-General until such time as the Director-General is satisfied that it is no longer required by the licensee or permittee;
 - (f) any road or track constructed by the licensee or permittee may be used for the extraction of forest produce by any other licensee or permittee under such conditions as may be determined by agreement between the parties concerned and, if agreement cannot be reached, the matter must be resolved by arbitration;
 - (g) any road or track constructed by the licensee or permittee may be used at any time under the authority of the Director-General or by any person engaged in fire control or fire suppression;
 - (h) the licensee or permittee must not set up a stationary logging plant in a State forest without the authority in writing of the Director-General;
 - (i) the licensee or permittee must pay on demand all royalties, dues and charges payable in respect of forest produce.
- (2) The Director-General or a person appointed by the Director-General may act as an arbitrator for the purposes of an arbitration under sub-regulation (1)(f) and the decision of the arbitrator is binding on both parties.

Division 4—Licences and Permits for Occupation

General

9. Terms and conditions of licence or permit for occupation

A licence to graze cattle, a bee farm and range licence, an agistment permit and any other licence or permit to occupy an area within a reserved forest is subject to the following terms and conditions—

- (a) the licensee or permittee must not construct any building, fence, gate, ramp or other improvement without the authority in writing of the Director-General and if authority has been given, any building, fence, gate, ramp or other improvement must be constructed in accordance with the directions of the Director-General as to location and construction;
- (b) the licensee or permittee must not sow any seed or attempt any cultivation or pasture improvement including the depositing and spreading of any form of fertiliser without the authority in writing of the Director-General;
- (c) the licensee or permittee must not use any poison (other than in accordance with a proclamation under the **Vermin and Noxious Weeds Act 1958**) or any insecticide or agricultural spray without the authority in writing of the Director-General.

Grazing Licences and Agistment Permits

10. *Terms and conditions of grazing licence and agistment permit*

A grazing licence and agistment permit are subject to the following terms and conditions—

- (a) the licensee or permittee must ensure that—
 - (i) no cattle are admitted to any area of reserved forest under agistment by any person unless an authorised officer is present at the time of the admission; and
 - (ii) no cattle are removed by any person from any area of reserved forest under agistment unless notice in writing has been given to an authorised officer; and
 - (iii) all cattle admitted to any reserved forest under agistment carry means of identification approved by the Director-General;
- (b) the licensee or permittee must send full details of the number, sex, brands and identification marks of any cattle to be admitted to an area of reserved forests under agistment to the Director-General before the admission;
- (c) cattle depastured under agistment must not be mustered without the authority in writing of the Director-General;
- (d) cattle depastured under agistment must be mustered at the expense of the owner.

Bee Farm and Range Licence

11. *Terms and conditions of bee farm and range licence*

A bee farm and range licence is subject to the following terms and conditions—

- (a) the licensee must notify the Director-General whenever he or she is in occupation of the bee farm site with bee-hives;
- (b) the licensee must not place bee-hives—
 - (i) within 200 metres of an occupied residence or constructed fire place; or
 - (ii) within 50 metres of a road, track, reservoir, tank, waterhole or watercourse—

without the authority in writing of the Director-General.

NOTES

1. General Information

The Forests (Licences and Permits) Regulations 1988, S.R. No. 472/1988 were made on 20 December 1988 by the Governor in Council under section 99 of the **Forests Act 1958**, No. 6254/1958 and came into operation on 20 December 1988: reg. 4.

The Forests (Licences and Permits) Regulations 1988 will sunset 10 years after the day of making on 20 December 1998 (see section 5 of the **Subordinate Legislation Act 1994**).

Forests (Licences and Permits) Regulations 1988

S.R. No. 472/1988

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2. Table of Amendments

There are no amendments made to the Forests (Licences and Permits) Regulations 1988 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

No entries at date of publication.