**FORESTRY ACT AMENDMENT BILL 1981**

**Legislative Assembly, 15 September 1981, page 856**

Second reading

**The Hon. W. E. CHAPMAN (Minister of Forests)** obtained leave and introduced a Bill for an Act to amend the Forestry Act, 1950-1974. Read a first time.

The Hon. W. E. CHAPMAN: I move: That this Bill be now read a second time.

This Bill proposes a number of disparate amendments to the principal Act, the Forestry Act, 1950-1974. These result from a review of the general operation of the principal Act which revealed that the Act is inadequate and outmoded in certain respects. The Bill provides for the appointment of forest wardens with the inspectorial powers necessary to cope with problems posed increasingly by the expanding use of forest reserve land by members of the public, particularly for recreational purposes. Provision is also made in this respect for the granting of permits to enter and use forest reserve land.

The Bill proposes that a sub-category of forest reserve land be created to be known as native forest reserve. This is designed to enable appropriate forest reserve land to be set aside for conservation of native flora and fauna. It is proposed that native forest reserve be created by proclamation, each such proclamation containing a statement of the purposes for which the land is being designated native forest reserve.

The Bill further provides that land that is set aside in this way may only be resumed by a proclamation which must be laid before Parliament and may be disallowed by resolution of either House of Parliament. The Bill provides that the title of statutory office of Conservator of Forests created by the principal Act be replaced by the title of the permanent head of the Woods and Forests Department, namely, the Director, Woods and Forests Department.

Finally, the Bill proposes amendments that relate to financial aspects of the administration of the principal Act. The Bill provides that a borrowing power be conferred on the Minister, who is, under the principal Act, constituted a body corporate. In addition, the Bill proposes the repeal of section 22 of the principal Act, which provides for the provision by Parliament of the moneys required for the purposes of the Act. Instead, it is proposed that the administration of the Act be financed from income derived by the Minister from forest operations.

I seek leave to have the explanation of the clauses inserted in Hansard without my reading it. Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 makes a number of amendments to the definition section, section 2 of the principal Act, which reflect changes to substantive provisions of the principal Act. The clause does, however, substitute references to the Director of the Woods and Forests Department for references to the Conservator of Forests which is considered to be an outmoded title.

Clause 4 replaces sections 2, 2b, 2c and 3 with a new section which provides for the declaration and naming of forest reserves and native forest reserves. This is to be effected by proclamation which in the case of a native forest reserve is to contain a statement of the purposes for which the native forest reserve is being established. Land that has been declared to be a forest reserve or native forest reserve may only be resumed under the clause by a proclamation containing a statement of the reasons for resumption which must be laid before each House of Parliament and may be disallowed by resolution of either House. Sections 2a, 2c and 3 are proposed to be repealed for the reason that they have no further function to perform. Clauses 5, 6 and 7 substitute for references to the Conservator references to the Director.

Clause 8 provides for the enactment of new sections 8a to 8e. New section 8a provides for the appointment of forest wardens. That section also provides that each member of the Police Force is also to be a forest warden. New section 8b provides for the issuing of identity cards to forest wardens. New section 8c confers appropriate inspectorial powers on forest wardens. New section 8d provides for seizure by forest wardens of objects used in the execution or furtherance of offences against the principal Act or which afford evidence of the commission of such offences. New section 8e provides that it shall be an offence for a person to falsely represent that he is a forest warden.

Clause 9 provides for the enactment of a new section 9a of the principal Act which provides that native forest reserve is to be managed by the Minster having regard to the purposes for which it was declared to be native forest reserve and that the Minister is to endeavour to ensure that no operations are carried out on such land which are inconsistent with those purposes. Clauses 10 and 11 substitute for references to the Conservator references to the Director.

Clause 12 provides for the enactment of new section l6a conferring a borrowing power on the Minister as a body corporate. Clause 13 substitutes the term Director for the term Conservator where it appears in section 19 of the principal Act. Clause 14 provides for the enactment of a new section l9a which is an evidentiary provision.

Clause 15 amends the regulation-making power section, section 21 of the principal Act. The clause inserts new powers providing for the regulation of access to and conduct on forest reserve land and the grant of permits to enter upon and use forest reserve land. Clause 16 provides for the repeal of section 22 of the principal Act. This section provides for the provision by Parliament of the moneys required for the purposes of the principal Act. It is proposed, however, that the administration of the principal Act be financed from income derived by the Minister from forest operations.

The Hon. D. J. HOPGOOD secured the adjournment of the debate.