**FORESTRY ACT AMENDMENT BILL 1974**

**Legislative Council, 27 November 1974, pages 2282-3**

Second reading

**The Hon. T. M. CASEY (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Forestry Act, 1950-1956. Read a first time.

The Hon. T. M. CASEY: I move: That this Bill be now read a second time.

This short Bill is intended to resolve certain difficulties that have arisen in relation to the application of the principal Act (the Forestry Act, 1950-1956) to forest reserves. As honourable members will appreciate, generally the dedication of land as forest reserve is intended to be permanent. However, at times it is necessary that all or portion of a forest reserve be released for some other use. As the law stands at the moment forest reserves have been established (a) under the Crown Lands Act, as to which see section 5 (f) (III) of that Act; or (b) under one of the Acts antecedent to the present Forestry Act.

Little difficulty has been found in relation to forest reserves established under the Crown Lands Act, since machinery exists under that Act to release land on the rare occasions when it has been required. However, there is no power to release any forest reserve established under Acts antecedent to the present Forestry Act. A further complication has occurred in that the present definition of “forest reserve” under the Forestry Act provides that “any land vested in the Minister of Forests, or held by him under licence” is forest reserve. This has led to the somewhat unexpected result that, for instance, dwellinghouses vested in the Minister of Forests have become “forest reserves” by virtue of the operation of that definition, and as a result of the operation of the proviso to section 16 of the Forestry Act the power of the Minister to dispose of such property has been restricted.

Clauses 1 and 2 are formal. Clause 3 amends section 2 of the principal Act by striking out the present definition of “forest reserve” and inserting a new definition of “forest reserve”, and also by including a definition of “Crown lands”. This new definition of “forest reserve” is in aid of proposed new section 2b of the principal Act. Clause 4 proposes the insertion of sections 2a, 2b and 2c. Proposed section 2a in effect provides that until a former forest reserve is declared under proposed section 2b it shall cease to be a forest reserve. Proposed section 2b provides for the declaration of forest reserves and also provides for the removal of land from a forest reserve. It is proposed that this removal will be subject to Parliamentary approval, because, as has already been mentioned, forest reserves are generally expected to be dedicated in perpetuity. The combined effect of these two clauses is, as it were, to wipe the slate clean and enable the existing forest reserves to be redefined and to be readily ascertainable. Proposed new section 2c validates what are thought to be somewhat doubtful releases of forest reserves, being purported resumptions under the Crown Lands Act of land that had been dedicated not under the Crown Lands Act but under Acts antecedent to the present Forestry Act. Clause 5 amends section 16 of the principal Act by validating purported transfers of property that may have been invalid by virtue of the operation of the proviso to section 16 adverted to above.

The Hon. C. R. STORY (Midland): I support the second reading of the Bill, which was introduced by the Minister of Forests. This is interesting, because the Minister of Forests has, in the whole history of the legislation, on only one other occasion found it necessary to amend the principal Act. This shows that the Woods and Forests Department has worked pretty well under the legislation. Of course, as in other situations, a coat of paint sometimes becomes necessary. The principal Act is not being altered very much, but what is being done is essential. The Bill effects a great improvement in the existing set-up. If anyone was asked where the South Australian forest reserves were, I guarantee that he would not give an answer within hundreds of miles of the location of the reserves. nThe Bill brings these reserves within the ambit of proclamations. Forest reserves will come under a new definition, which will be declared by proclamation on a day to be fixed by the Governor.

There is a saving provision in the legislation, and I wish the Government would insert this provision more often in legislation: in the case of reserves declared under the legislation, the proclamation will be laid on the table of Parliament and will remain there for 14 sitting days. If the proclamation is not challenged within 14 days of its being laid on the table, it becomes law. Under the existing legislation the Minister cannot undedicate land assigned to him, but provision is made in this Bill whereby the Minister can, by proclamation, declare any portion of a forest reserve to be removed from the provisions of the legislation, provided the proclamation is laid on the table of the Council. If the proclamation stands the test for 14 days, the Minister can act accordingly; that is a very satisfactory provision.

The Bill also amends section 16 of the principal Act, where there is a proviso making it obligatory not to sell land that has been dedicated under the Act. Under the Crown Lands Act it is possible for land to be undedicated, and in future virtually the same provisions will apply under the Forestry Act as exist under the Crown Lands Act. We have adequate protection, because Parliament has the last say, it being able to disallow anything brought down in connection with the acquisition or the declaration of land in connection with forest reserves.

The other provision is a good one. In the case of forest reserves which are actually town building blocks with houses on them (and this could apply at Nangwarry, Mount Burr and several other forests in South Australia), the Minister, if he finds that those areas, houses or building blocks are surplus to future departmental requirements, will be able to dispose of them. Moreover, he will have a survey plan of the area showing where land can be transferred under freehold title to anyone who wishes to buy any portion of a town so declared as being under a forest reserve. I see no reason to hold up this legislation. I believe it improves the whole situation, because it tidies up something that I believe should be tidied up. I am being consistent in supporting this Bill, because I am a great believer in trying to get legislation under one roof so that ordinary people like myself, who pick up legislation and read it, at least have an even money chance of understanding what it means. But, if one has to chase through legislation, volume after volume, it makes it extremely difficult and it is no wonder that people break the law.

This is a good Bill, and I support the second reading. Bill read a second time and taken through its remaining stages.