

South Australia

Local Government (Forestry Reserves) Act 1944

An Act to provide for the establishment and management of forests by municipal and district councils, and for incidental purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Local Government (Forestry Reserves) Act 1944*.

2—Interpretation

In this Act—

council means municipal council or district council;

Minister means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor.

3—Power to declare local government forestry reserves

- (1) The Governor may by proclamation declare—
 - (a) any Crown land which has been dedicated or reserved as a forestry reserve or for forestry purposes and placed under the care, control and management of a council;
 - (b) any land of a council the use of which is not restricted by any trust, dedication, reservation or condition or which, if so restricted, may pursuant to such trust, dedication, reservation or condition, be used for forestry purposes,to be a local government forestry reserve for the purposes of this Act.

- (2) The Governor may by proclamation revoke or vary any such proclamation.
- (3) Whilst any land is comprised in a local government forestry reserve it shall be used only for forestry purposes and for purposes incidental to forestry purposes.

4—Power of council to establish forest

- (1) A council may establish and manage a forest on any local government forestry reserve.
- (2) A council may expend any moneys of the council for the purpose of establishing or managing any such forest or for any incidental purpose.

5—Power to make advances to councils for forestry purposes

- (1) From moneys provided by Parliament for the purpose, the Minister may from time to time make advances to any council for the purpose of the establishment or management by the council of a forest pursuant to this Act. Any such advance may be made to the council without obtaining the consent of the ratepayers of the council.
- (2) Every such advance shall be free of interest and shall, subject to section 6, be repaid by the council in such manner as the Minister from time to time directs. Every such advance shall be made upon such other conditions as the Minister from time to time directs and shall be made upon the condition that the amount advanced shall be expended by the council in accordance with any directions given to the council by the Minister.

6—Provision as to management of forest

- (1) The council shall, subject to this Act, undertake the management of any forest established by the council and may sell or otherwise dispose of any timber or other products derived from the forest.
- (2) The proceeds of the sale of any such timber or other products and any other revenue derived by the council from the local government forestry reserve shall be applied by the council—
 - (a) firstly, in payment of the expenses incurred by the council in the management of the forest;
 - (b) secondly, in repayment of any advance made to the council pursuant to section 5;
 - (c) thirdly, in making such provision as is necessary to comply with any direction of the Minister for the replanting of the forest.

Any surplus may be paid into the general revenue of the council.

- (3) If any advance is made to a council pursuant to section 5, the council shall not be obliged to make any repayment of the advance except from the proceeds of the sale of timber or other products as aforesaid or from other revenue derived as aforesaid.

7—Powers of Minister

- (1) The Minister may advise any council as to the establishment or management of any forest and the disposal of timber or other products derived from the forest.

- (2) If any advance is made to a council pursuant to section 5 for the establishment or management of any forest, the Minister shall from time to time give all necessary directions to the council for the purpose of the establishment and management of the forest, the employment of persons necessary for the establishment or management of the forest, the expenditure by the council of the advance made to the council, the disposal of the timber and other products from the forest, the replanting of the forest, and generally respecting the use of the local government forestry reserve. The council shall carry out all such directions.

8—Regulations

- (1) The Governor may make regulations—
- (a) prescribing measures to be taken by councils for the management and protection of forests established pursuant to this Act and the disposal of timber or other products derived from such forests;
 - (b) prescribing the manner of use of local government forestry reserves;
 - (c) prescribing the manner in which directions may be given by the Minister pursuant to section 5 or section 7 and any measures necessary to secure that such directions are carried out by councils;
 - (d) for preventing the spread of fires to or in forests established pursuant to this Act;
 - (e) prescribing penalties not exceeding one hundred dollars for the breach of any regulation.
- (2) Any such regulations may be made to apply generally throughout the State or may be limited to specified parts of the State.

10—Summary proceedings for offences

Any proceedings for any offence against this Act shall be disposed of summarily.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1944	27	<i>Local Government (Forestry Reserves) Act 1944</i>	14.12.1944	14.12.1944
2000	58	<i>South Australian Forestry Corporation Act 2000</i>	20.7.2000	1.1.2001 (<i>Gazette 16.11.2000 p3196</i>)

Provisions amended since 3 February 1976

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
s 3		
s 3(1) and (2)	amended by 58/2000 Sch 2	1.1.2001
s 5		
s 5(1) and (2)	amended by 58/2000 Sch 2	1.1.2001
s 6		
s 6(2)	amended by 58/2000 Sch 2	1.1.2001
s 7		
s 7(1) and (2)	amended by 58/2000 Sch 2	1.1.2001
s 8		
s 8(1)	amended by 58/2000 Sch 2	1.1.2001
s 9	<i>deleted by 58/2000 Sch 2</i>	<i>1.1.2001</i>