

SANDALWOOD ACT, 1930-1975**SUMMARY OF PROVISIONS**

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SANDALWOOD ACT, 1930-1975

being

Sandalwood Act, 1930, No. 1956 of 1930 [Assented to 17th October, 1930];

as amended by

Sandalwood Act Amendment Act, 1933, No. 2128 of 1933 [Assented to 16th November, 1933];
 Sandalwood Act Amendment Act, 1936, No. 2324 of 1936 [Assented to 26th November, 1936];
 Sandalwood Act Amendment Act, 1940, No. 9 of 1940 [Assented to 26th September, 1940];
 Sandalwood Act Amendment Act, 1943, No. 7 of 1943 [Assented to 21st October, 1943];
 Sandalwood Act Amendment Act, 1946, No. 12 of 1946 [Assented to 24th October, 1946];
 Sandalwood Act Amendment Act, 1949, No. 12 of 1949 [Assented to 20th October, 1949];

and

Statute Law Revision Act, 1975, No. 24 of 1975 [Assented to 27th March, 1975].

An Act to fix the maximum amount of sandalwood which may be taken from land within the State, and for purposes incidental thereto.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Sandalwood Act, 1930-1975", and is incorporated with the Crown Lands Act, 1929¹.

Short title and
incorporation.
Citation
amended by 24,
1975, s. 3 (1)
(2nd Sched.).

2. In this Act, unless the context otherwise requires—

Interpretation.

"private lands" means lands—

(a) lawfully granted or contracted to be granted in fee simple by or on behalf of the Crown:

(b) subject to any perpetual lease, selector's lease, or lease with right of purchase:

"sandalwood" means the wood of any tree of the genus *santalum* or the genus *fusanus* and any other species of aromatic wood which is or may be used as a substitute for sandalwood:

Def. substituted
by 2324, 1936,
s. 3.

"Crown lands" means lands which are not private lands:

"licence" means licence granted under this Act and for the time being in force.

3. Upon the commencement of this Act, Part XIV of the Crown Lands Act, 1929¹, shall cease to apply to licences relating to sandalwood.

Crown Lands
Act not to apply
to sandalwood.

4. The Governor may from time to time by proclamation fix the maximum amount of sandalwood which may be cut, pulled, or removed from any land whatever within the State during the period mentioned in the proclamation.

Power to
restrict the
quantity.

¹ Now Crown Lands Act, 1929-1975.

Licences.
Subsec. (1)
amended by 24,
1975, s. 3 (1)
(2nd Sched.).

5. (1) No person shall cut, pull, or remove sandalwood from any land whatever within the State—

Para. (a)
amended by 24,
1975, s. 3 (1)
(2nd Sched.).

(a) unless he has first obtained from the Minister, or from some person authorized by the Minister to grant licences, a licence authorizing him to do so, and has paid the prescribed fee for such a licence; and

(b) except from the area specified in the licence, and in accordance with all the terms and conditions thereof.

Penalty: A fine of not less than ten dollars nor more than two hundred dollars, or imprisonment for any term not exceeding six months.

(2) A licence granted under this section shall authorize the person to whom it is granted to cut, pull, and remove sandalwood personally in accordance with the terms of the licence, but except as provided in subsection (2) of section 6 shall not authorize him to do so by his servants or agents.

(3) If any person is convicted of an offence against this section, and was at the time when the contravention of this section occurred, employed by some other person to cut, pull, or remove sandalwood, the employer shall also be guilty of an offence, and liable to the penalty fixed by subsection (1).

(4) Any sandalwood cut, pulled or removed in contravention of this section shall be the property of the Crown.

Royalties and
other terms of
licences.
Subsec. (1)
amended by 24,
1975, s. 3 (1)
(2nd Sched.).

6. (1) Any licence authorizing a person to cut, pull, or remove sandalwood from any Crown lands shall provide for payment to the Minister of a royalty of such amount as is fixed by the licence.

Subsec. (2)
amended by 24,
1975, s. 3 (1)
(2nd Sched.).

(2) Any licence authorizing a person to cut, pull, or remove sandalwood from private lands shall, where such person is not the owner or lessee of those lands, provide for payment to the owner or lessee of those lands or the assignee of the owner or lessee of a royalty of such amount as is fixed by the licence. The owner or lessee of private land shall have first preference to a licence to cut, pull, or remove sandalwood from his land, and such a licence may authorize him to do so, either by himself or by his servants or agents, and no licence shall be issued authorizing any person to cut, pull, or remove sandalwood from private lands unless the consent, in writing, of the owner or lessee of those lands has first been lodged with the Minister.

Subsec. (3)
amended by 24,
1975, s. 3 (1)
(2nd Sched.).

(3) Any licence shall remain in force for the period fixed by the Minister, and may contain any other terms determined by the Minister, and may provide that upon failure to pay the royalty thereby fixed, or on breach of any other term, the licence may be cancelled by the Minister as an administrative act.

Provisions
affecting
licences to take
wood from
private lands.

7. (1) Licences shall not be granted authorizing the cutting, pulling, or removal of sandalwood from private lands in any quantity exceeding in the aggregate ten per centum of the total quantity for the State as fixed by proclamation for the time being in force under section 4.

(2) Licences in respect of private lands shall be granted in the order of priority of application, but the quantity of sandalwood to be cut, pulled, or removed under any such licence shall be determined by the Minister.

8. (1) No person shall purchase for the purpose of re-sale or for the purpose of export, and no person shall export, to any place beyond Australia any sandalwood unless he has been registered by the Minister as a sandalwood dealer.

Licensing of dealers.
Subsec. (1) amended by 24, 1975, s. 3 (1) (2nd Sched.).

Penalty—A fine of not more than two hundred dollars.

(2) The Minister may impose any conditions of registration which he thinks fit, including (but without limiting the generality of this subsection) conditions fixing the maximum amount of sandalwood which the person registered may export overseas, and upon breach of any condition may as an administrative act cancel any registration.

Subsec. (2) amended by 24, 1975, s. 3 (1) (2nd Sched.).

(3) Registration of a sandalwood dealer shall remain in force for the period fixed by the Minister.

Subsec. (3) amended by 24, 1975, s. 3 (1) (2nd Sched.).

9. The Minister may refuse any application for a licence or registration and his decision shall be final.

Power to refuse application.
S. 9 amended by 24, 1975, s. 3 (1) (2nd Sched.).

10. The Governor may make regulations prescribing the mode of applying for and obtaining licences, the mode of applying for and obtaining registration as a sandalwood dealer, the fees to be paid for a licence or registration as a sandalwood dealer, and all other matters necessary or convenient to be prescribed for giving effect to this Act.

Regulations.

* * * * *

S. 11 amended by 2128, 1933, s. 2; 2324, 1936, s. 4; 9, 1940, s. 3; 7, 1943, s. 3; 12, 1946, s. 3; repealed by 12, 1949, s. 3.

12. Offences against this Act shall be dealt with summarily.

Summary proceedings for offences.