



Australian Capital Territory

Protection of Lands Ordinance 1937

Ord1937-33

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Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Protection of Lands Ordinance 1937* effective 23 December 1966 to 23 February 1976.

Kinds of republications

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AUSTRALIAN CAPITAL TERRITORY

PROTECTION OF LANDS ORDINANCE 1937-1966*

An Ordinance to provide for the Protection of Commonwealth Lands.

1. This Ordinance may be cited as the *Protection of Lands Ordinance 1937-1966*.*

Short title.
Short title
amended; No.
12, 1939, s. 2.

2. In this Ordinance, unless the contrary intention appears—
“authorized officer,” in relation to any act, matter or thing,
means an officer thereto authorized in writing by the
Minister;
“lands” means lands vested in the Commonwealth; and
“permit” means a permit issued under this Ordinance.

Definitions.

3. (1) A person shall not, without a permit in that behalf issued under this Ordinance, take from any lands any stone, shell, sand, gravel, clay or earth.

Sand, gravel,
&c., not to
be taken
without
permit.

Penalty: Twenty dollars.

Sub-section (1)
amended by
No. 19, 1966,
s. 2 and First
Schedule.

(2) The Minister may, for such period as he thinks fit, by notice published in the *Gazette*, suspend the operation of this section in respect of any substance or in respect of any lands, and this section shall thereupon cease to apply in respect of that substance or those lands, as the case may be, until the expiration of the period of suspension, or until the suspension is sooner revoked, whichever first happens.

(3) The Minister may, at any time, by notice published in the *Gazette*, revoke any such suspension.

4. (1) The Minister or an authorized officer may issue permits to go upon any lands and to take therefrom any substance referred to in the last preceding section.

Power
to grant
permits.

(2) A permit may be limited to any particular substance, and to any particular lands, district or locality.

* The *Protection of Lands Ordinance 1937-1966* comprises the *Protection of Lands Ordinance 1937* as amended by the other Ordinances specified in the following table:

Ordinance	Number and Year	Date of Notification in <i>Gazette</i>	Date of Commencement
<i>Protection of Lands Ordinance 1937</i>	No. 33, 1937	23 December 1937	23 December 1937
<i>Protection of Lands Ordinance 1944</i>	No. 4, 1944	3 February 1944	3 February 1944
<i>Ordinances Revision Ordinance 1959</i>	No. 21, 1959	23 December 1959	31 December 1959
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	No. 19, 1966	23 December 1966	23 December 1966

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(3) A permit shall continue in force for the period specified therein and no longer, and shall not be issued for any period exceeding twelve months.

(4) A permit shall only be granted over lands included in a lease in cases where the substances are reserved to, or are the property of, the Crown.

(5) A permit issued under this section shall not extend to authorize the taking from any lands any substance which is, or appears to be, metalliferous.

Terms and conditions of permits.

5. (1) The terms and conditions on which a permit may be issued shall be as determined by the Minister, and any permit may be cancelled by the Minister or an authorized officer for non-compliance by the holder of the permit with any term or condition of the permit.

(2) Where the Minister or an authorized officer cancels any permit, the Minister or the authorized officer shall forward by post to the person whose permit has been cancelled, at his address as stated in that permit, notice of the cancellation of the permit and the cancellation shall be deemed to take effect at the time the notice would have been delivered in the ordinary course of post.

Fees for permits.
Amended by No. 19, 1966, s. 2 and First Schedule.

6. The fee payable for a permit shall be at the rate of Fifty cents per month or portion of a month for each vehicle to be used for taking any substance in pursuance of the permit.

Sand and gravel pits.
Inserted by No. 4, 1944, s. 2.

6A. (1) The Minister may, by notice in the *Gazette*, declare any lands to be a sand and gravel pit and may by like notice revoke any such declaration.

(2) Notwithstanding anything contained in sections three and four of this Ordinance, the Minister may, by notice published in a newspaper circulating in the Territory—

(a) declare, with respect to any sand and gravel pit, that any stone, shell, sand, gravel, clay or earth may, notwithstanding anything contained in sections three and four of this Ordinance, be taken therefrom on payment of such charges and subject to such conditions as are set out in the notice; and

(b) vary from time to time any such charge or condition, and any such substance may be taken from the sand and gravel pit on payment of the charges and subject to the conditions declared by the Minister in pursuance of this section.

Amended by No. 21, 1959, s. 3 and First Schedule; and No. 19, 1966, s. 2 and First Schedule.

(3) Any person who takes any stone, shell, sand, gravel, clay or earth from any sand and gravel pit without paying the charges, and complying with the conditions set out in a notice referred to in the last preceding sub-section shall be guilty of an offence and liable to a penalty of Forty dollars and, in addition to any penalty that may be imposed, the Court may order the defendant to pay the charges payable under this section in respect of any such substance so taken and the like proceedings may be taken upon the order as if the order had been a judgment of the Court in favour of the Commonwealth.

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(4) A certificate by the Minister, or any person authorized by the Minister on that behalf, specifying the charges owing to the Commonwealth, in respect of any such substance so taken, shall be *prima facie* evidence of the matters stated therein.

7. A person shall not, without the authority of the Minister or an authorized officer (proof whereof shall lie upon the person accused), deposit, or cause to be deposited, on any unleased lands, any substance or materials.

Substances or materials not to be placed on lands.

Penalty: Forty dollars, and, if the substance or materials continue on the land for more than one day, a further penalty not exceeding Ten dollars for each day or portion of a day during which they so continue.

Amended by No. 19, 1966, s. 2 and First Schedule.

8. Where any excavation or obstruction is made, or any substance or material is placed, on any unleased lands with the authority of the Minister or an authorized officer, or any work is being carried on on any unleased lands entailing the opening up or breaking of the surface thereof, the person making, or permitting or causing to be made, the excavation or obstruction, or placing the substance or material, or permitting or causing the substance or material to be placed, on the lands, or carrying out the works, shall cause sufficient lights to be affixed in a proper place to indicate clearly the excavation, obstruction, substance, material or works, and continue those lights every night from sunset to sunrise while the excavation, obstruction, substance, material or works continue, and shall during all that time at his own expense cause the place on which they are continued to be sufficiently fenced or enclosed to prevent any danger or inconvenience to any person.

Excavations or obstructions on lands to be lighted.

Amended by No. 19, 1966, s. 2 and First Schedule.

Penalty: Forty dollars.