

FORESTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Forests Act 1949.

Clause 1 specifies the Short Title to the Bill.

Clause 2: Section 2 of the principal Act defines the term "forest produce", but in places (e.g., section 70) the Act uses as a variant the term "forest product". The clause extends the definition so as to cover this variant.

Clause 3 provides that where any land is leased to the Crown or the Minister, and the Minister is authorised by the lease to establish, manage, or protect any forest thereon, or to sell or utilise any timber or other forest produce derived therefrom, in respect of the land, forest, timber, and forest produce, the Minister shall, subject to the provisions of the lease, have all the powers and authorities he would have if the land were State forest land, and the forest were on State forest land, and the timber and other forest produce were products of State forest land, and, subject to the provisions of the lease, all the provisions of the principal Act shall apply as if the land were State forest land, and the forest were on State forest land, and the timber and other forest produce were products of State forest land.

Clause 4 makes provision for the issue and cancellation of certificates of title under the Land Transfer Act 1952 in respect of State forest land.

Clause 5 amends section 64 (3) of the principal Act (which relates to private forests administered by the Forest Service) so as to bring the wording into line with the new section 15A set out in *clause 3* of the Bill. As the section stands, certain provisions of the principal Act, e.g., sections 27 and 28 would not apply to private forests administered by the Forest Service.

Clause 6: Section 70 of the principal Act provides for the making of regulations as to the control and eradication of diseases affecting trees, etc. The clause provides a revised definition of the term "disease" for the purpose of the section. At present the term is restricted to diseases declared to be such by Order in Council.

Hon. Mr MacIntyre

FORESTS AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Forests Act 1949

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. Short Title—This Act may be cited as the Forests Amendment Act 1967, and shall be read together with and deemed part of the Forests Act 1949* (hereinafter referred to as the principal Act).

10 **2. Interpretation**—Section 2 of the principal Act is hereby amended by inserting in the definition of the term “forest produce”, before the word “includes” where it first appears, the words “or ‘forest product’ ”.

*1957 Reprint, Vol. 5, p. 391
Amendments: 1960, No. 62; 1964, No. 29; 1965, No. 13

3. Powers in respect of leased land—The principal Act is hereby amended by inserting, after section 15, the following section:

“15A. Where any land is leased to the Crown or the Minister, and the Minister is authorised by the lease to establish, manage, or protect any forest thereon, or to sell or utilise any timber or other forest produce derived therefrom, in respect of the land, forest, timber, and forest produce, the Minister shall, subject to the provisions of the lease, have all the powers and authorities he would have if the land were State forest land, and the forest were on State forest land, and the timber and other forest produce were products of State forest land, and, subject to the provisions of the lease, all the provisions of this Act shall apply as if the land were State forest land, and the forest were on State forest land, and the timber and other forest produce were products of State forest land.”

4. Certificates of title for State forest land—(1) The principal Act is hereby amended by inserting, after section 18, the following section:

“18A. (1) Subject to and in accordance with any regulations made in relation thereto, and upon the completion of such surveys (if any) as may be necessary, the Minister may request the District Land Registrar for the district in which any State forest land is situated to issue a certificate of title under the Land Transfer Act 1952 for the land; and the District Land Registrar shall thereupon, subject to the deposit of such plans as he may require, issue the certificate of title accordingly. Every such certificate of title shall disclose that the land is State forest land subject to this Act.

“(2) Where any District Land Registrar issues a certificate of title under this section, he shall not prepare any duplicate of the certificate of title until the Minister so requests; and, where no request is made for the preparation of a duplicate of the certificate of title at the time when the request is made for the issue of the certificate of title,—

“(a) Notwithstanding anything to the contrary in the Land Transfer Act 1952, the certificate of title shall be bound up or included in the register; and for all the purposes of that Act the certificate of title so bound up or included shall be deemed to be the duplicate certificate of title, and any duplicate of it thereafter prepared and issued at the request of the Minister shall be deemed to be the certificate of title:

“(b) Where the bound copy of the certificate of title is the only copy of the certificate of title which has been prepared, it shall be endorsed to that effect.”

5 (2) Section 72 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (b), the following paragraph:

“(bb) Providing for the issue and cancellation of certificates of title under the Land Transfer Act 1952 in respect of State forest land:”.

10 **5. Minister as agent for owner of private forest**—Section 64 of the principal Act is hereby amended by adding to subsection (3) the words “and any forest thereon were on State forest land, and any timber and other forest produce derived therefrom were products of State forest land”.

15 **6. Regulations as to control and eradication of diseases affecting trees, etc.**—Section 70 of the principal Act is hereby amended by revoking subsection (3), and substituting the following subsection:

20 “(3) For the purposes of this section ‘disease’ means any form of fungus, bacterium, or virus, or any living stage of any invertebrate animal, which may directly or indirectly injure or cause an unhealthy condition in any tree or other plant, part of a tree or other plant, or product of a tree or other plant; and ‘diseased’ has a corresponding meaning.”