Version
as at 1 October 2026

Forests Act 1949

Public Act	1949 No 19
Date of assent	11 October 1949
Commencement	see section 1

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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Provisions relating to sustainable forest management plans

An Act to consolidate and amend the law relating to forestry

Title: replaced (with effect on 1 April 1987), on 1 July 1987, by section 2 of the Forests Amendment Act 1987 (1987 No 118).

1 Short Title and commencement

This Act may be cited as the Forests Act 1949 and shall come into force on 1 January 1950.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

aircraft has the same meaning as in section 5 of the Civil Aviation Act 2023

amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

animal means any living stage of any member of the animal kingdom except human beings; and includes the eggs and the whole or any part of the carcass of any such member

approved, in relation to a sustainable management plan, means approved by the Secretary under section 67F

coupe means an area of forest that has been or is to be harvested

exotic, in relation to a species of flora, means a species that is not an indigenous species

financial year means a period of 12 months commencing on 1 July and ending with 30 June

finished or manufactured indigenous timber product—

(a) means any indigenous wood product that has been manufactured into its final shape and form and is ready to be installed or used for its intended purpose without the need for any further machining or other modification; and

(b) includes a complete item or a component of an item (whether assembled or in kitset form) such as joinery, furniture, toys, tools, and household utensils, household fixtures such as rails and toilet seats, ornaments such as picture frames and carvings, and similar items; but

(c) does not include dressed or rough sawn timber, mouldings, panelling, furniture blanks, joinery blanks, building blanks, or similar items

forest land means land on which forest is growing, land used for agroforestry, and land intended to be forested or used for agroforestry by the owner or occupier of the land

forest produce or **forest product** includes trees and other plants and the produce of trees and other plants, and also includes earth, rock, sand, shingle, and minerals when found in or removed from any forest land or any other land for the time being administered by the Minister

forestry officer means—

(a) the chief executive of the Ministry:

(b) any person appointed as a forestry officer under section 11

forestry sector means all matters and activities concerned with or affecting the production and use of goods from or on all forest land that is devoted primarily

to commercial production; and shall include protection from disease and fire of all forests, the protective effects of forests, the harvesting and processing of trees and other forest plants, and other matters associated with commercial forestry production

groundline, in relation to any living or dead tree, means the point at the base of the tree where the tree, when standing, commenced or commences to be naturally in contact with the ground

indigenous, in relation to a species of flora or fauna, means a species that occurs naturally in New Zealand or arrived in New Zealand without human assistance

indigenous forest land means land wholly or predominantly under the cover of indigenous flora

landholding,—

(a) means an estate, right, title, or interest of any kind in or over an area of land by or under which indigenous timber may be harvested; but

(b) does not include an interest by way of charge or security

mineral has the same meaning as in section 2(1) of the Crown Minerals Act 1991

mining operation means any operation in connection with mining, exploring, or prospecting for any mineral

Minister means the Minister of Forestry

Ministry means the Ministry of Agriculture and Forestry or such other Ministry as has, with the authority of the Prime Minister, for the time being assumed responsibility for the relevant function or matter

organism means a living animal or plant; and includes any micro-organism not classifiable as either but having the properties of living matter

owner—

(a) means any person who owns any landholding; and

(b) includes—

(i) the owners of any landholding where it is owned by 2 or more persons; and

(ii) a group of owners of landholdings who are operating under the same sustainable management plan

planted indigenous forest means any indigenous timber trees or tree ferns that have been planted on land that was not indigenous forest land immediately before such planting and was not indigenous forest land immediately before the land was prepared for such planting

registered means,—

(a) in relation to a sustainable forest management plan or sustainable forest management permit, recorded in accordance with section 67K:

(b) in relation to a sawmill, registered in accordance with section 67D

(c) *[Repealed]*

salvaged timber means—

(a) timber from trees that have fallen naturally:

(b) timber from trees that were felled before 3 July 1989:

(c) stumps remaining from any timber felled before that date:

(d) roots remaining from any timber felled before that date;—

and **salvaged stump** and **salvaged root** have corresponding meanings

sawmill means any factory or industrial plant (whether permanently fixed or portable) that is directly dependent on supplies of logs and produces sawn timber or wood chips from the timber, whether for sale, use, or further treatment or processing; and includes any chipmill that produces woodchips and any industrial plant (whether permanently fixed or portable) used to process tree ferns; and includes any industrial plant (whether combined with or separate from any plant used to produce sawn timber or woodchips) that is used to produce veneer

Secretary means the chief executive of the Ministry

specified Maori land means land having the status of Maori land or General land owned by Maori, as defined in section 4 of Te Ture Whenua Maori Act 1993, and originally reserved or granted under—

(a) the South Island Landless Maori Act 1906; or

(b) section 12 of the Maori Land Amendment Act 1914; or

(c) section 88 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1916; or

(d) section 110 of the Maori Purposes Act 1931

stump means the basal part of a living or dead tree (whether rooted or uprooted), being the roots and that part of the trunk that extends from the groundline to a point (up the trunk) equal to the maximum diameter of the trunk; and, for the purposes of this definition, any remnant of a tree shall be regarded as part of a complete tree

sustainable forest management means the management of an area of indigenous forest land in a way that maintains the ability of the forest growing on that land to continue to provide a full range of products and amenities in perpetuity while retaining the forest's natural values

sustainable forest management permit means a sustainable forest management permit executed under section 67M

sustainable forest management plan or **plan** means a sustainable forest management plan approved under section 67F

timber—

(a) means—

(i) trees (excluding cuttings, suckers, and shoots); and

(ii) woody plants able to be milled; and

(b) includes branches, roots, and stumps of trees and other woody plants able to be milled, logs, woodchips, wood products, veneer, tree ferns, and tree fern fibre

tree fern means all species of the families *Cyatheaceae* and *Dicksoniaceae*

trees includes not only timber trees, but also all other kinds of trees, shrubs, and bushes, seedlings, saplings, cuttings, suckers, and shoots of every description

vehicle means any wheeled or tracked device or hovercraft capable of carrying a person or persons, whether or not it is powered by an internal combustion engine

vessel has the same meaning as in section 2 of the Harbours Act 1950

working day means any day except—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) a day in the period commencing with 20 December in any year and ending with 15 January in the following year.

(2) Unless in any case the context otherwise requires, every reference in this Act or any other Act or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever in force at the date on which this subsection comes into force—

(a) to the Minister of Forests, shall hereafter be read as a reference to the Minister of Forestry:

(b) to the New Zealand Forest Service, shall hereafter be read as a reference to the Ministry of Forestry:

(c) to the Director-General of Forests or to a Conservator, shall hereafter be read as a reference to the Secretary of Forestry:

(d) to a forest officer, shall hereafter be read as a reference to a forestry officer.

Compare: 1921–22 No 43 s 2; 1939 No 39 s 25

Section 2(1) **aircraft**: inserted, on 19 November 1976, by section 2(1) of the Forests Amendment Act 1976 (1976 No 45).

Section 2(1) **aircraft**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **amenity values**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **animal**: inserted, on 19 November 1976, by section 2(1) of the Forests Amendment Act 1976 (1976 No 45).

Section 2(1) **approved**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **cattle**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **code of ethics**: repealed, on 30 June 2024, by section 4(1)(a) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Section 2(1) **conservancy**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **Conservator**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **coupe**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **Director**: repealed, on 25 October 1960, by section 2(2) of the Forests Amendment Act 1960 (1960 No 62).

Section 2(1) **Director-General**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **exotic**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **financial year**: inserted, on 6 August 2022, by section 4(1) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

Section 2(1) **finished or manufactured indigenous timber product**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **firearm**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **forest land**: inserted (with effect on 1 April 1987), on 1 July 1987, by section 3(2) of the Forests Amendment Act 1987 (1987 No 118).

Section 2(1) **forest officer**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **forest produce** or **forest product**: amended (with effect on 1 April 1987), on 1 July 1987, by section 3(3) of the Forests Amendment Act 1987 (1987 No 118).

Section 2(1) **forest produce** or **forest product**: amended, on 26 October 1967, by section 2 of the Forests Amendment Act 1967 (1967 No 37).

Section 2(1) **forestry adviser service**: repealed, on 30 June 2024, by section 4(1)(b) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Section 2(1) **Forestry Authority**: repealed, on 30 June 2024, by section 4(1)(c) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Section 2(1) **forestry officer**: replaced, on 11 November 1998, by section 9(1) of the Ministry of Agriculture and Forestry (Restructuring) Act 1998 (1998 No 106).

Section 2(1) **forestry practice standards**: repealed, on 30 June 2024, by section 4(1)(d) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Section 2(1) **forestry register**: repealed, on 30 June 2024, by section 4(1)(e) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Section 2(1) **forestry sector**: inserted (with effect on 1 April 1987), on 1 July 1987, by section 3(2) of the Forests Amendment Act 1987 (1987 No 118).

Section 2(1) **groundline**: inserted, on 30 March 1995, by section 2(1) of the Forests Amendment Act 1995 (1995 No 10).

Section 2(1) **hunt or kill**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **indigenous**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **indigenous forest land**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **indigenous State forest land**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **landholding**: replaced, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Section 2(1) **log trader**: repealed, on 30 June 2024, by section 4(1)(f) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Section 2(1) **management plan**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **mineral**: inserted, on 30 March 1995, by section 2(2) of the Forests Amendment Act 1995 (1995 No 10).

Section 2(1) **mining operation**: inserted, on 30 March 1995, by section 2(2) of the Forests Amendment Act 1995 (1995 No 10).

Section 2(1) **Minister**: replaced, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **Ministry**: replaced, on 1 March 1998, by section 4 of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Section 2(1) **organism**: inserted, on 16 December 1983, by section 2(1) of the Forests Amendment Act 1983 (1983 No 136).

Section 2(1) **owner**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **planted indigenous forest**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **planted indigenous forest**: amended, on 20 May 2004, by section 3(2) of the Forests Amendment Act 2004 (2004 No 49).

Section 2(1) **registered**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **registered** paragraph (a): amended, on 30 March 1995, by section 2(5) of the Forests Amendment Act 1995 (1995 No 10).

Section 2(1) **registered** paragraph (c): repealed, on 30 June 2024, by section 4(2) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Section 2(1) **salvaged timber**: replaced, on 30 March 1995, by section 2(3) of the Forests Amendment Act 1995 (1995 No 10).

Section 2(1) **salvaged timber** paragraph (b): amended, on 10 July 2026, by section 286 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Section 2(1) **sawmill**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **sawmill**: amended, on 1 July 1994, by section 2 of the Forests Amendment Act 1994 (1994 No 33).

Section 2(1) **Secretary**: replaced, on 1 March 1998, by section 4 of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Section 2(1) **Service** or **Forest Service**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **specified Maori land**: inserted, on 20 May 2004, by section 3(3) of the Forests Amendment Act 2004 (2004 No 49).

Section 2(1) **State forest land**: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 2(1) **stump**: inserted, on 30 March 1995, by section 2(4) of the Forests Amendment Act 1995 (1995 No 10).

Section 2(1) **sustainable forest management**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **sustainable forest management permit**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **sustainable forest management plan** or **plan**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **timber**: replaced, on 20 May 2004, by section 3(4) of the Forests Amendment Act 2004 (2004 No 49).

Section 2(1) **tree fern**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **vehicle**: inserted, on 19 November 1976, by section 2(1) of the Forests Amendment Act 1976 (1976 No 45).

Section 2(1) **vessel**: inserted, on 19 November 1976, by section 2(1) of the Forests Amendment Act 1976 (1976 No 45).

Section 2(1) **West Coast indigenous production forest**: repealed, on 20 May 2004, by section 3(5) of the Forests Amendment Act 2004 (2004 No 49).

Section 2(1) **wildlife**: repealed (with effect on 1 April 1987), on 1 July 1987, by section 3(1) of the Forests Amendment Act 1987 (1987 No 118).

Section 2(1) **working day**: inserted, on 1 July 1993, by section 2(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 2(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 2(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 2(1) **working plan**: repealed, on 19 November 1976, by section 2(2) of the Forests Amendment Act 1976 (1976 No 45).

Section 2(2): inserted, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 2A: inserted, on 6 August 2022, by section 5 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

2B Part of this Act that binds the Crown

Part 3A of this Act binds the Crown.

Section 2B: replaced, on 30 June 2024, by section 5 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Part 1
Administration

3 Minister of Forestry

(1) The Governor-General may from time to time appoint a member of the Executive Council to hold office during his pleasure as Minister of Forestry.

(2) The member of the Executive Council holding office as the Commissioner of State Forests when this Act comes into force shall be deemed to have been appointed as Minister of Forestry under this Act.

(3) All references to the Commissioner of State Forests in any Act, regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever shall, unless inconsistent with the context, be read hereafter as references to the Minister of Forestry.

(4) Any contract, agreement, licence, lease, permit, or other right or authority which the Minister is authorised to enter into or grant under this or any other enactment shall be entered into or granted by him in the name and on behalf of the Sovereign. All such contracts, agreements, licences, leases, permits, and other authorities that have been entered into or granted by the Commissioner of State Forests before this Act comes into force shall be deemed to have been entered into or granted by him on behalf of the Sovereign, and all rights, powers, and liabilities vested in or imposed upon the Commissioner of State Forests or the Minister by any such contracts, agreements, licences, leases, permits, and other rights and authorities shall be deemed to vest in the Sovereign when this Act comes into force.

(5) The Minister may from time to time exercise on behalf of the Sovereign all the Sovereign's rights and powers under any such contract, agreement, licence, lease, permit, right, or authority.

Compare: 1921–22 No 43 s 4

Section 3 heading: replaced, on 1 April 1987, by section 2(2)(a).

Section 3(1): amended, on 1 April 1987, by section 2(2)(a).

Section 3(2): amended, on 1 April 1987, by section 2(2)(a).

Section 3(3): amended, on 1 April 1987, by section 2(2)(a).

4 Delegation of Minister's powers

[Repealed]

Section 4: repealed, on 15 December 2005, by section 3 of the Forests Amendment Act 2005 (2005 No 103).

4A Delegation of powers by Secretary

[Repealed]

Section 4A: repealed, on 15 December 2005, by section 4 of the Forests Amendment Act 2005 (2005 No 103).

5 New Zealand Forest Service

[Repealed]

Section 5: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

6 Conservancies

[Repealed]

Section 6: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

7 Director-General of Forests

[Repealed]

Section 7: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

8 Appointment of Conservators of Forests

[Repealed]

Section 8: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

9 Deputy of Secretary

[Repealed]

Section 9: repealed, on 1 March 1998, by section 4 of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

10 Appointment of other officers

(1) There may from time to time be appointed as officers or employees of the public service such other officers and employees as may be necessary for the administration of this Act.

(2) *[Repealed]*

Compare: 1921–22 No 43 s 5(1)(d)

Section 10(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 10(2): repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

11 Forestry officers

(1) There may from time to time be appointed under the Public Service Act 2020 such forestry officers as may be required for the purposes of this Act.

(2) The Minister may from time to time appoint as a forestry officer for the purposes of this Act any person employed in a State enterprise within the meaning of the State-Owned Enterprises Act 1986 or in a Crown Research Institute within the meaning of the Crown Research Institutes Act 1992, and may prescribe the functions and powers of a person so appointed.

(3) No person is to be treated as employed in the State services for the purposes of the Public Service Act 2020, or in the Government service for the purposes of the Government Superannuation Fund Act 1956, by reason only of the person's appointment under subsection (2).

Section 11: replaced, on 11 November 1998, by section 9(2) of the Ministry of Agriculture and Forestry (Restructuring) Act 1998 (1998 No 106).

Section 11(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 11(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

12 Officers not eligible to hold licence or lease under this Act

[Repealed]

Section 12: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

13 Protection of forestry officers, etc

(1) Nothing done by any forestry officer, by an employee of the Ministry, or by any person appointed to a committee under section 15(2)(b) shall, if done in good faith in the exercise of powers or in the performance of duties under this Act, subject that person to any personal liability in respect thereof.

(2) *[Repealed]*

Section 13: replaced (with effect on 1 April 1987), on 1 July 1987, by section 5 of the Forests Amendment Act 1987 (1987 No 118).

Section 13(1): amended, on 6 August 2022, by section 6(1) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

Section 13(2): repealed, on 30 June 2024, by section 6 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

14 Functions of the Forest Service

[Repealed]

Section 14: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

15 Powers of Minister

(1) The Minister shall have such powers as are reasonably necessary to enable the Ministry to perform its functions.

(2) Without limiting the provisions of subsection (1) the Minister may, from time to time,—

(a) make financial grants or loans to persons and bodies engaged in the forestry sector:

(b) appoint persons to such committees as the Minister thinks fit to advise or otherwise assist the Minister or the Secretary on any matters relating to forestry that the Minister may specify:

(c) by agreement acquire any interest in land for the purposes of research, training, regulatory functions, or demonstrating any matter relating to the forestry sector, and may likewise dispose of any such interest.

Section 15: replaced (with effect on 1 April 1987), on 1 July 1987, by section 6 of the Forests Amendment Act 1987 (1987 No 118).

15A Powers in respect of leased land

[Repealed]

Section 15A: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

15B Collection and disclosure of statistical information

(1) The Secretary may from time to time require returns to be made by growers, producers, distributors, processors, importers, exporters, or consumers of forest produce, and by other persons engaged in the forestry sector, and such returns shall give details as may be required relating to trees, timber, forest produce, or other goods grown, acquired, sawn, cut, manufactured, processed, converted, held, produced, sold, imported, exported, or disposed of.

(2) Information furnished to the Secretary under this section shall be used for statistical purposes only.

(3) All statistical information made available by the Secretary shall be arranged in such a manner as to prevent any particulars being identifiable by any person (other than the person by whom such particulars were supplied) as particulars relating to any particular person.

(4) Notwithstanding subsection (3) the Secretary may disclose the following information:

(a) information supplied by a person in respect of which disclosure is consented to in writing by the person who supplied it:

(b) information available to the public under any Act or public document:

(c) information supplied by a local authority.

(5) Except in respect of a prosecution under this Act, no return or copy of a return made pursuant to this Act shall be disclosed or used as evidence in any proceedings whatever, and no forestry officer shall be compelled to give oral testimony in any proceedings regarding any return.

(6) Nothing in this section limits or prevents the provision of information to the Government Statistician for the production of official statistics or research under the Data and Statistics Act 2022.

Section 15B: inserted (with effect on 1 April 1987), on 1 July 1987, by section 7 of the Forests Amendment Act 1987 (1987 No 118).

Section 15B(6): inserted, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Financial provisions

16 Receipts and expenditure

(1) All moneys received by the Crown from the operation of this Act shall be paid into a Crown Bank Account and shall be credited to such funds or accounts as may be determined from time to time by the Minister of Finance.

(2) All moneys payable under this Act shall be paid out of moneys from time to time appropriated by Parliament for the purpose.

(3) *[Repealed]*

(4) Notwithstanding subsection (2), any person or body, unless prohibited from doing so by any Act, regulation, or instrument of trust, may make to the Minister a grant or gift of money for specified or general purposes of this Act, and the Minister may accept any such grant or gift for such purposes.

(5) All money received by the Minister under subsection (4) shall be paid into a Crown Bank Account to the credit of an account known as the Forest Service Grants and Gifts Trust Account, and shall be applied, without further appropriation than this subsection, to the purposes for which the grant or gift was accepted by the Minister.

Compare: 1948 No 56 s 3

Section 16(1): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 16(3): repealed (with effect on 1 April 1987), on 1 July 1987, by section 8 of the Forests Amendment Act 1987 (1987 No 118).

Section 16(4): inserted, on 22 October 1981, by section 3 of the Forests Amendment Act 1981 (1981 No 69).

Section 16(5): inserted, on 22 October 1981, by section 3 of the Forests Amendment Act 1981 (1981 No 69).

Section 16(5): amended, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 16(5): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

17 Proportion of timber royalties applicable for roadmaking in certain cases

[Repealed]

Section 17: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Part 2
State forest land

18 Minister may set apart land as State forest land

[Repealed]

Section 18: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

18A Certificates of title for State forest land

[Repealed]

Section 18A: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

19 Effect of setting apart land as State forest land

[Repealed]

Section 19: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

20 Forest sanctuaries

[Repealed]

Section 20: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

21 Errors of description in Proclamations may be amended

[Repealed]

Section 21: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

22 Exchanges of land and forest produce

[Repealed]

Section 22: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

23 Fencing of State forest land

[Repealed]

Section 23: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

24 State forest land not to be dealt with except pursuant to this Act

[Repealed]

Section 24: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

25 Maps of State forest land to be prepared and recorded

[Repealed]

Section 25: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

26 Management plans

[Repealed]

Section 26: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

27 Forest produce presumed to be the property of the Crown

[Repealed]

Section 27: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

28 Property in forest produce not to pass until paid for

[Repealed]

Section 28: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

29 Power to sell by auction without licence as auctioneer

[Repealed]

Section 29: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Licenses, leases, permits, etc

[Repealed]

Heading: repealed, on 1 April 1987, pursuant to section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

30 Power to grant licences, leases, permits, etc

[Repealed]

Section 30: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

31 Licences

[Repealed]

Section 31: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

32 Leases

[Repealed]

Section 32: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

33 Permits

[Repealed]

Section 33: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

34 Service tenancies

[Repealed]

Section 34: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

35 Mining privileges and coal-mining rights

[Repealed]

Section 35: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

36 Timber-cutting leases or licences over coal-bearing lands in State forests

[Repealed]

Section 36: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

37 Minister to enforce obligations of licensee, etc

[Repealed]

Section 37: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

38 Boundaries to be kept clear

[Repealed]

Section 38: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

39 Forfeiture of forest produce not removed during currency of licence

[Repealed]

Section 39: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

40 Forfeiture of licences, etc

[Repealed]

Section 40: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

41 Production of licence, etc, on demand

[Repealed]

Section 41: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

41A Seizure of firearms

[Repealed]

Section 41A: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

42 Power of entry on land

[Repealed]

Section 42: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Seizure of forest produce

[Repealed]

Heading: repealed, on 1 April 1987, pursuant to section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

43 Seizure of forest produce

[Repealed]

Section 43: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

44 Procedure subsequent to seizure

[Repealed]

Section 44: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

45 Disposal of forfeited produce

[Repealed]

Section 45: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Protection of State forest land against fire

[Repealed]

Heading: repealed, on 20 October 1955, pursuant to section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

46 Unlawful lighting of fires on State forest land

[Repealed]

Section 46: repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

47 Offence to leave burning or smouldering substance

[Repealed]

Section 47: repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

48 Right holders to provide firefighting equipment

[Repealed]

Section 48: repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

49 Duty to endeavour to extinguish fires

[Repealed]

Section 49: repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

50 Offence not to comply with 2 last preceding sections

[Repealed]

Section 50: repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

51 Requisition of assistance to extinguish fires

[Repealed]

Section 51: repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

52 Costs of firefighting

[Repealed]

Section 52: repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

53 Operation of Forest and Rural Fires Act 1947

[Repealed]

Section 53: repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

Offences

54 False entries or returns

Every person who makes or causes to be made, in any book, return, declaration, or statement required by this Act or by the regulations thereunder to be kept or made, any entry or writing which he knows to be false in any material particular commits an offence and shall be liable on conviction to a fine not exceeding $500:

provided that if it be proved that the payment of royalties or other moneys payable to the Crown has been evaded, and that the false entry or writing has

been made or used for any purpose in connection with the evasion, the court may add to the fine imposed on the conviction a further penalty not exceeding 3 times the amount of the moneys, the payment whereof shall be proved to have been so evaded.

Compare: 1921–22 No 43 s 42

Section 54: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 54: amended, on 19 November 1976, by section 12 of the Forests Amendment Act 1976 (1976 No 45).

55 Unlawful cutting or removal of forest produce

[Repealed]

Section 55: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

56 Unlawful interference with property of Crown

[Repealed]

Section 56: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

57 Offences with respect to State forest land and wildlife thereon

[Repealed]

Section 57: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

58 Cattle trespassing on State forest land may be destroyed

[Repealed]

Section 58: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

59 Offences with respect to forestry officers

Every person commits an offence against this Act who—

(a) offers violence to, or assaults, obstructs, threatens, or attempts to intimidate, any forestry officer or other person under the control of the Secretary while that officer or person is acting in the exercise of his powers or the discharge of his duties under this Act; or

(b) gives, or agrees to give, or offers to any such officer or person, any gift, or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown, by that officer or person in or in relation to the exercise of such powers or the discharge of such duties as aforesaid.

Compare: 1921–22 No 43 s 41

Section 59 heading: amended, on 1 April 1987, by section 2(2)(d).

Section 59(a): amended (with effect on 1 April 1987), on 1 July 1987, by section 19(1)(b) of the Forests Amendment Act 1987 (1987 No 118).

Section 59(a): amended, on 1 April 1987, by section 2(2)(c).

Section 59(a): amended, on 1 April 1987, by section 2(2)(d).

Section 59(b): amended (with effect on 1 April 1987), on 1 July 1987, by section 19(1)(c) of the Forests Amendment Act 1987 (1987 No 118).

60 Other offences

Every person commits an offence against this Act who—

(a) impersonates or falsely pretends to be a forestry officer or employee of the Ministry; or

(b) without reasonable cause, fails to make a statistical or other return required by this Act before the time within which the Secretary requires it to be made expires; or

(c) counterfeits upon or unlawfully fixes to any forest produce any marks, label, or certificate used by and appropriated for the use of forestry officers or other persons in the exercise of their duties under this Act, or without due authority makes or causes to be made or uses or causes to be used, or has, in that person's possession, any brand, stamp, or badge that resembles or purports to be a brand, stamp, or badge such as is usually used by forestry officers or other persons when exercising powers under this Act.

Section 60: replaced, on 1 July 1987, by section 9(1) of the Forests Amendment Act 1987 (1987 No 118).

61 General penalty for offences

Every person who commits an offence against this Act shall be liable on conviction,—

(a) in the case of an individual, to a fine not exceeding $2,000 and, if the offence is a continuing one, to a further fine not exceeding $200 for every day during which the offence continues:

(b) in the case of a body corporate, to a fine not exceeding $12,000, and, if the offence is a continuing one, to a fine not exceeding $1,200 for every day during which the offence continues.

Section 61: replaced, on 1 July 1987, by section 10(1) of the Forests Amendment Act 1987 (1987 No 118).

Section 61: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

62 Liability for loss or damage

Every person convicted of an offence under this Act shall be liable for any loss or damage caused by the act constituting the offence in addition to the penalty for the offence, and the amount payable in respect of that liability may be awarded by the court in fixing the penalty and may be recovered as a fine. In assessing the amount so payable the court may take into account salaries, wages, and incidental expenses incurred in the investigation of the act

constituting the offence and in remedying the damage caused by that act and all other relevant factors.

Compare: 1921–22 No 43 s 57

63 Limitation of proceedings

Any proceedings in respect of any offence committed against this Act, or for the recovery of any penalty, fine, or forfeiture imposed thereunder, may be commenced at any time within 12 months from the time of the discovery of the offence.

Compare: 1921–22 No 43 s 58

Section 63: amended, on 19 November 1976, by section 18 of the Forests Amendment Act 1976 (1976 No 45).

Part 2A
Regulation of log traders and forestry advisers

[Repealed]

Part 2A: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63A Purpose of this Part

[Repealed]

Section 63A: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Subpart 1—Registration and related matters

[Repealed]

Subpart 1: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Forestry Authority

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63B Forestry Authority

[Repealed]

Section 63B: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63C Functions

[Repealed]

Section 63C: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63D Functions or powers may be delegated outside Public Service

[Repealed]

Section 63D: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63E Oversight of functions and powers delegated outside Public Service

[Repealed]

Section 63E: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63F Decision making must comply with natural justice

[Repealed]

Section 63F: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63G Power to obtain information from registered persons

[Repealed]

Section 63G: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Log trader registration

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63H Log traders must be registered

[Repealed]

Section 63H: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63I Meaning of log trader

[Repealed]

Section 63I: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63J Entitlement to be registered log trader

[Repealed]

Section 63J: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63K Obligations of registered log trader

[Repealed]

Section 63K: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Forestry adviser registration

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63L Forestry advisers must be registered

[Repealed]

Section 63L: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63M Meaning of forestry adviser service

[Repealed]

Section 63M: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63N Entitlement to be registered forestry adviser

[Repealed]

Section 63N: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63O Obligations of registered forestry adviser

[Repealed]

Section 63O: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Applications for registration

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63P Application for registration

[Repealed]

Section 63P: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63Q Decision on application for registration

[Repealed]

Section 63Q: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Renewal of registration

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63R Registrations expire unless renewed

[Repealed]

Section 63R: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63S Application for renewal of registration

[Repealed]

Section 63S: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63T Decision on application for renewal of registration

[Repealed]

Section 63T: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Registration conditions

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63U Conditions of registration

[Repealed]

Section 63U: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Measures to address unsatisfactory conduct or misconduct

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63V Measures to address unsatisfactory conduct or misconduct

[Repealed]

Section 63V: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63W Notice requiring log trader to address unsatisfactory conduct

[Repealed]

Section 63W: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Suspension and revocation of registration

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63X Suspension of registration for misconduct

[Repealed]

Section 63X: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63Y Revocation of registration

[Repealed]

Section 63Y: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Review of decisions

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63Z Right of review of certain decisions of Forestry Authority

[Repealed]

Section 63Z: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZA Who reviews decision

[Repealed]

Section 63ZA: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZB How review is conducted

[Repealed]

Section 63ZB: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Appeal to court

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZC Appeal to High Court

[Repealed]

Section 63ZC: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZD Time for appeal to High Court

[Repealed]

Section 63ZD: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZE High Court may make interim order

[Repealed]

Section 63ZE: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZF Determination of appeal

[Repealed]

Section 63ZF: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZG Appeal to Court of Appeal on question of law

[Repealed]

Section 63ZG: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZH Time for appeal to Court of Appeal

[Repealed]

Section 63ZH: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Complaints and dispute resolution

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZI Complaints about unsatisfactory conduct or misconduct

[Repealed]

Section 63ZI: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZJ Disputes about commercial matters

[Repealed]

Section 63ZJ: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Offences and penalties

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZK Offences

[Repealed]

Section 63ZK: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZL Penalties

[Repealed]

Section 63ZL: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Forestry registers

[Repealed]

Heading: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZM Meaning of forestry register

[Repealed]

Section 63ZM: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZN Register of log traders

[Repealed]

Section 63ZN: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZO Register of forestry advisers

[Repealed]

Section 63ZO: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZP Form of forestry registers

[Repealed]

Section 63ZP: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZQ Access to forestry registers

[Repealed]

Section 63ZQ: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZR Obligation to notify Forestry Authority of changes

[Repealed]

Section 63ZR: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Subpart 2—Cost recovery

[Repealed]

Subpart 2: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZS Obligation to recover costs

[Repealed]

Section 63ZS: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZT Principles of cost recovery

[Repealed]

Section 63ZT: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZU Requirement for consultation

[Repealed]

Section 63ZU: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZV Methods of cost recovery

[Repealed]

Section 63ZV: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZW Cost recovery to relate generally to financial year

[Repealed]

Section 63ZW: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZX Minister may review levels and methods of cost recovery

[Repealed]

Section 63ZX: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZY Trust accounts required to be kept by persons collecting levies

[Repealed]

Section 63ZY: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZ Fees, levies, and charges payable are debt due to the Crown

[Repealed]

Section 63ZZ: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZA Services may be withdrawn until debt paid

[Repealed]

Section 63ZZA: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZB Obligation to pay fee, levy, charge, or penalty not suspended by dispute

[Repealed]

Section 63ZZB: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Subpart 3—Regulations

[Repealed]

Subpart 3: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZC Requirements before making regulations

[Repealed]

Section 63ZZC: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZD Regulations may subdelegate power to make rules

[Repealed]

Section 63ZZD: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZE Regulations: registration

[Repealed]

Section 63ZZE: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZF Regulations: complaints

[Repealed]

Section 63ZZF: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZG Regulations: disputes

[Repealed]

Section 63ZZG: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZH Regulations: fees and charges

[Repealed]

Section 63ZZH: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZI Regulations: levies

[Repealed]

Section 63ZZI: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Subpart 4—Rules and exemptions

[Repealed]

Subpart 4: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZK Requirements before making rules and exemptions

[Repealed]

Section 63ZZK: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZL Rules: forestry practice standards

[Repealed]

Section 63ZZL: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZM Rules: code of ethics

[Repealed]

Section 63ZZM: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

63ZZN Exemptions from registration requirements

[Repealed]

Section 63ZZN: repealed, on 30 June 2024, by section 7 of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Part 2A
Use of State forest land for public recreation

[Repealed]

Part 2A: repealed (with effect on 1 April 1987), on 1 July 1987, pursuant to section 11(1) of the Forests Amendment Act 1987 (1987 No 118).

63A Recreation areas

[Repealed]

Section 63A: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

63B Establishment of State forest parks

[Repealed]

Section 63B: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

63C Management plans for State forest parks

[Repealed]

Section 63C: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

63D Open indigenous State forests

[Repealed]

Section 63D: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

63E Wilderness areas

[Repealed]

Section 63E: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

63F Regulations as to use of State forest land for public recreation

[Repealed]

Section 63F: repealed (with effect on 1 April 1987), on 1 July 1987, by section 11(1) of the Forests Amendment Act 1987 (1987 No 118).

63G Offences

[Repealed]

Section 63G: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

63H Application of other Parts of this Act

[Repealed]

Section 63H: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Part 3
Ministry of Forestry administration of private forests

Part 3 heading: amended, on 1 April 1987, by section 2(2)(b).

64 Minister of Forestry may act as agent for owner of private forest

(1) Subject to the terms of his appointment, the Minister of Forestry or Crown Forestry Management Limited may act as the agent of the Minister in charge of any other department of State or of any local authority or person for the purpose of establishing, managing, or protecting any forest, or managing or protecting any land used or intended to be used for any purpose in connection with any forest or proposed forest, or for the purpose of appraising or selling or utilising any timber or other forest produce, or making inspections and preparing reports for any such purpose as aforesaid, or for all or any of those purposes.

(2) Any such Minister, local authority, or person having power to carry out any such purpose may appoint the Minister of Forestry or Crown Forestry Management Limited to act as his agent for that purpose for such period, on such terms and conditions, and at such remuneration, as may be determined by agreement.

(3) *[Repealed]*

(4) All expenses incurred by the Minister under this section may be paid out of moneys appropriated by Parliament for the purpose, and all fees and other moneys received by him in respect of services rendered by him while acting as agent under this section shall be paid into a Crown Bank Account.

(5) Notwithstanding anything contained in Te Ture Whenua Maori Act 1993, the provisions of this section shall apply to Maori land as defined by that Act, and the assembled owners of any such land may pass, in the manner prescribed by Part 9 of that Act, a resolution appointing the Minister or Crown Forestry Management Limited as their agent.

(6) Where the Minister is appointed under this section to act as agent for any purpose in connection with any land, forest, timber, or other forest produce—

(a) *[Repealed]*

(b) he may execute and issue in his own name as agent for and on behalf of the Minister, local authority, or person for whom he is acting such instruments as may be necessary to enable him to exercise his powers and carry out his duties; and

(c) he may fix or approve any price or payment to be paid or made under any such instrument.

Compare: 1926 No 69 s 2

Section 64 heading: amended, on 1 April 1987, by section 2(2)(a).

Section 64(1): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

Section 64(1): amended, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 64(1): amended, on 1 April 1987, by section 2(2)(a).

Section 64(2): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

Section 64(2): amended, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 64(2): amended, on 1 April 1987, by section 2(2)(a).

Section 64(3): repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 64(4): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 64(5): amended on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 64(5): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

Section 64(5): amended, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 64(6)(a): repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

65 Sale of Maori-owned forest

[Repealed]

Section 65: repealed, on 1 April 1954, by section 473(1) of the Maori Affairs Act 1953 (1953 No 94).

66 Administration of certain timber-bearing land in Buller Coalfield Reserve

[Repealed]

Section 66: repealed, on 27 November 1953, by section 5(5) of the Reserves and Other Lands Disposal Act 1953 (1953 No 107).

67 Revenue under last preceding section

[Repealed]

Section 67: repealed, on 27 November 1953, by section 5(5) of the Reserves and Other Lands Disposal Act 1953 (1953 No 107).

Part 3A
Provisions relating to indigenous forests

Part 3A: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

67A Part binds the Crown

[Repealed]

Section 67A: repealed, on 6 August 2022, by section 8 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

67AB Part does not permit felling or harvesting other than in accordance with relevant enactment

In the case of land held, managed, or administered by the Crown under the Conservation Act 1987 or any Act listed in Schedule 1 of that Act, this Part does not permit the felling or harvesting of timber other than in accordance with the provisions of the Act under which the land on which the timber is growing is held, managed, or administered.

Section 67AB: inserted, on 20 May 2004, by section 4(1) of the Forests Amendment Act 2004 (2004 No 49).

67B Purpose

The purpose of this Part is to promote the sustainable forest management of indigenous forest land.

Section 67B: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Export controls

Heading: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

67C Prohibition on export of certain indigenous forest produce

(1) No person shall export from New Zealand indigenous timber, except the following:

(a) any grade of sawn beech or sawn rimu (other than wood chips), where the Secretary has stated in writing that he or she is satisfied that the timber has been taken from an area subject to, and managed in accordance with, a registered sustainable forest management plan or registered sustainable forest management permit:

(b) any finished or manufactured indigenous timber product, regardless of the source of the timber used in the product:

(c) any personal effects:

(d) any stump or root, whether whole or sawn, where the Secretary has stated in writing that he or she is satisfied that the timber has been taken from an area subject to, and managed in accordance with, a registered sustainable forest management plan:

(e) any salvaged stump or salvaged root, whether whole or sawn, where the Secretary has stated in writing that he or she is satisfied that the timber has been taken from an area that is not indigenous forest land:

(f) any tree fern trunk or part of a tree fern trunk, or fibres from a tree fern trunk,—

(i) where the Secretary has stated in writing that he or she is satisfied that the timber has been taken from an area subject to, and managed in accordance with, a registered sustainable forest management plan; or

(ii) from indigenous forest land, where the Secretary has, subject to subsection (2), given his or her prior written approval to the removal of that timber; or

(iii) where the Secretary has stated in writing that he or she is satisfied that that timber is from land that is not indigenous forest land:

(g) any indigenous timber—

(i) from a planted indigenous forest, if that timber is, or is from, a shrub, bush, seedling, or sapling; or

(ii) other than indigenous timber to which subparagraph (i) applies, if the Secretary has stated in writing that he or she is satisfied that the timber has been harvested from a planted indigenous forest; or

(iii) *[Repealed]*

(iv) harvested from a forest on land in respect of which a person is registered as a participant in permanent forestry under the Climate Change Response Act 2002.

(2) Before giving approval under subsection (1)(f)(ii), the Secretary must be satisfied that the area concerned can continue to supply an annual or periodic non-diminishing yield of tree fern trunks in perpetuity.

(3) No indigenous timber (other than personal effects and any finished or manufactured indigenous timber products) may be exported from New Zealand—

(a) unless—

(i) a notice of intention to export has been given to the Secretary in a form approved by the Secretary; and

(ii) the notice of intention includes or is accompanied by a statement of the source of the timber; and

(iii) the timber has been presented to a forestry officer for inspection and he or she has inspected and approved it; and

(b) until the expiry of a period (if any) specified for the purposes of this paragraph in the notice of intention.

(4) For the purposes of this section,—

(a) **sawn beech** means sawn beech timber; and

(b) **sawn rimu** means sawn rimu timber—

of any length that has a cross-sectional area not exceeding 30 000 square millimetres.

Section 67C: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67C(1)(e): amended, on 30 March 1995, by section 3(1) of the Forests Amendment Act 1995 (1995 No 10).

Section 67C(1)(g): inserted, on 20 May 2004, by section 5(1) of the Forests Amendment Act 2004 (2004 No 49).

Section 67C(1)(g)(ii): amended, on 14 November 2006, by section 31(2) of the Climate Change Response Amendment Act 2006 (2006 No 59).

Section 67C(1)(g)(iii): repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Section 67C(1)(g)(iv): inserted, on 1 January 2023, by section 281 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Section 67C(3): replaced, on 20 May 2004, by section 5(2) of the Forests Amendment Act 2004 (2004 No 49).

Section 67C(4): replaced, on 30 March 1995, by section 3(2) of the Forests Amendment Act 1995 (1995 No 10).

Sawmill controls

Heading: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

67D Prohibition on milling indigenous timber

(1) No person may mill any indigenous timber at a sawmill unless the sawmill is registered in accordance with regulations made under section 72, and at least 1 of the following paragraphs applies to the harvesting of the timber:

(a) the timber has been harvested from an area of land subject to, and managed in accordance with, a registered sustainable forest management plan or a registered sustainable forest management permit and the harvest is in accordance with an annual logging plan approved under section 67H:

(b) the Secretary has stated in writing that he or she is satisfied that—

(i) the timber has been or will be harvested from—

(A) specified Maori land that is not land on which a forest specified in an Order in Council made under section 67DA is situated; or

(B) land held, managed, or administered by the Crown under the Conservation Act 1987 or any Act listed in Schedule 1 of that Act; or

(C) a planted indigenous forest; or

(D) *[Repealed]*

(E) a forest on land in respect of which a person is registered as a participant in permanent forestry under the Climate Change Response Act 2002; or

(ii) the timber has been or will be felled—

(A) for a public work as defined in the Public Works Act 1981; or

(B) with the approval of the owner, for a mining operation; or

(C) for construction or maintenance of an access way or water impoundment, or for a purpose directly necessary or desirable for scientific research; or

(iii) the timber was first milled before 1 July 1993; or

(iv) the timber is salvaged timber that has been or will be harvested from an area of land that is not indigenous forest land; or

(v) the timber has been or will be harvested from windthrown trees or trees (whether standing or not) that have died from natural causes on land that is not subject to either a registered sustainable forest management plan or a registered sustainable forest management permit, and that he or she is satisfied that the forest's natural values will be maintained:

(c) the timber is a tree fern trunk, or is from a tree fern trunk, and the Secretary has stated in writing that he or she is satisfied that the timber has been or will be harvested from an area of land that is not indigenous forest land:

(d) the timber is a tree fern trunk, or is from a tree fern trunk, and has been or will be harvested, with the prior written approval of the Secretary, from an area of land that is not subject to either a registered sustainable forest management plan or a registered sustainable forest management permit:

(e) the timber has been seized under section 67R and sold, released, or disposed of in accordance with section 67S and the provisions of subparts 1, 6, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 and the Secretary has stated in writing that the person to whom the timber is sold, released, or disposed was not involved in the felling and harvesting of the timber in contravention of this Part.

(2) Before giving an approval under subsection (1)(d), the Secretary must be satisfied that the area concerned can continue to supply an annual or periodic non-diminishing yield of tree fern trunks in perpetuity, and that yield must include the harvesting of windthrown ferns or dead ferns as they become available.

(3) On the application of the owner of any area of land not subject to a sustainable forest management plan or a sustainable forest management permit, the Secretary may, in consultation with the Director-General of Conservation,—

(a) approve the harvesting and milling, for the owner's personal use, of not more than 50 cubic metres of indigenous timber (being roundwood) in any 10-year period; and

(b) define the area from which the timber may be harvested and milled.

Section 67D: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67D(1): replaced, on 20 May 2004, by section 6(1) of the Forests Amendment Act 2004 (2004 No 49).

Section 67D(1)(b)(i)(D): repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Section 67D(1)(b)(i)(E): inserted, on 1 January 2023, by section 281 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Section 67D(1)(e): amended, on 1 October 2012, by section 317(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67D(2): replaced, on 20 May 2004, by section 6(1) of the Forests Amendment Act 2004 (2004 No 49).

Section 67D(3): amended, on 20 May 2004, by section 6(2) of the Forests Amendment Act 2004 (2004 No 49).

67DA Forests on specified Maori land to which sawmill controls apply

(1) The Governor-General may from time to time, by Order in Council, specify forests on specified Maori land to which section 67D(1)(b)(i)(A) does not apply.

(2) The Governor-General may make an Order in Council under subsection (1) in relation to a forest only if he or she is satisfied that the owner of the forest has agreed with the Minister to—

(a) surrender the right to mill indigenous timber harvested from the forest; or

(b) surrender the right to mill indigenous timber harvested from the forest other than in accordance with a registered sustainable forest management plan or a registered sustainable forest management permit.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 67DA: inserted, on 20 May 2004, by section 7 of the Forests Amendment Act 2004 (2004 No 49).

Section 67DA(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Felling controls

Heading: inserted, on 20 May 2004, by section 7 of the Forests Amendment Act 2004 (2004 No 49).

67DB Prohibition on felling indigenous timber

Where any land is specified in a registered sustainable forest management plan or a registered sustainable forest management permit as land to which that plan or permit applies, no person may fell indigenous timber on that land except in accordance with that plan or permit.

Section 67DB: inserted, on 20 May 2004, by section 7 of the Forests Amendment Act 2004 (2004 No 49).

Sustainable forest management plans

Heading: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

67E Sustainable forest management plans

(1) For the purposes of this Part, the Secretary may approve sustainable forest management plans under section 67F.

(2) A sustainable forest management plan applies to the area or areas of indigenous forest land specified in that plan.

(3) A sustainable forest management plan applies to the land specified in that plan,—

(a) in the case of a landholding having a term of less than 50 years, for the balance of that term; or

(b) in any other case, for the period specified in the plan, which period—

(i) must not be less than 50 years; and

(ii) may be renewed from time to time in accordance with section 67I.

Section 67E: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67E(2): replaced, on 20 May 2004, by section 8 of the Forests Amendment Act 2004 (2004 No 49).

Section 67E(3): replaced, on 20 May 2004, by section 8 of the Forests Amendment Act 2004 (2004 No 49).

67F Procedure for approval of sustainable forest management plans

(1) The owner of a landholding for an area of indigenous forest land may apply to the Secretary for approval of a draft sustainable forest management plan for all or part of that area.

(1A) An application may be made by lodging the draft plan at a Ministry office.

(2) As soon as practicable after lodgement of a draft plan and before making a decision in respect of the draft, the Secretary shall consult the Director-General of Conservation in every case, and shall also consult the chief executive of the Ministry of Maori Development if the area of indigenous forest land specified in the plan as the area of land to which the plan applies includes any Maori land.

(3) The Secretary may require the owner to incorporate in the draft plan such amendments as the Secretary may specify in writing.

(4) The Secretary may approve the draft plan with or without amendments.

Section 67F: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67F(1): replaced, on 20 May 2004, by section 9(1) of the Forests Amendment Act 2004 (2004 No 49).

Section 67F(1A): inserted, on 20 May 2004, by section 9(1) of the Forests Amendment Act 2004 (2004 No 49).

Section 67F(2): amended, on 20 May 2004, by section 9(2) of the Forests Amendment Act 2004 (2004 No 49).

67G Notice requirements

(1) If the Secretary approves, amends, or grants an exemption in respect of the beech coupe size provisions in a sustainable forest management plan and that approval, amendment, or exemption enables beech to be harvested in coupes of more than 0.5 hectares, the Secretary must notify that approval, amendment, or exemption by a notice in writing to the owner in accordance with subsection (2).

(2) The approval, amendment, or exemption must be notified in 1 or more of the following ways:

(a) by notice in the *Gazette*:

(b) by a notice to the public published in 1 or more daily newspapers circulating in the area concerned:

(c) by publication, either temporarily or permanently, on the Ministry's public Internet site:

(d) in any other manner that the Secretary is reasonably satisfied will ensure that the matter is sufficiently notified to the public in the area concerned.

Section 67G: replaced, on 10 July 2026, by section 287 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

67H Secretary's power to require amendments to plans

(1) Without limiting the generality of section 67F(3), the Secretary may, before approving a draft sustainable forest management plan, require the owner to amend the draft plan—

(a) to correct the description of the area or areas specified in the plan as the area or areas to which the plan applies:

(b) to reduce the proposed annual or periodic cut for any species:

(c) to provide for a recording system for the purposes of the plan, or to amend the proposed recording system:

(d) to reduce the size of, or to change the shape or location of, any coupe specified in the plan:

(e) to amend the low impact techniques specified in the plan for the single tree or small group harvesting:

(f) to incorporate such additional details as the Secretary may specify.

(1A) Work for the harvesting of timber (including, but not limited to, the felling of timber and the construction of roads, tracks, or landings) must not be carried out on an area of land specified in a registered sustainable forest management plan unless that work is carried out in accordance with an annual logging plan approved by the Secretary.

(2) In the case of an annual logging plan submitted to the Secretary in accordance with clause 9 of Schedule 2,—

(a) no work shall be carried out under the annual logging plan unless the plan has been approved by the Secretary:

(b) the Secretary may require the annual logging plan to be amended in such manner as he or she may specify in writing:

(c) the Secretary may require that the annual logging plan specify trees to be harvested and trees to be retained or may specify the trees to be harvested and the trees to be retained; and such trees shall be harvested or retained accordingly:

(d) as soon as practicable after receiving an annual logging plan, the Secretary shall either approve the plan or require the plan to be amended.

(3) The Secretary shall give the owner notice in writing of any requirement under this section and shall include in the notice a statement to the effect that the owner has an opportunity to comment to the Secretary about the requirement.

Section 67H: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67H(1)(a): replaced, on 20 May 2004, by section 11(1) of the Forests Amendment Act 2004 (2004 No 49).

Section 67H(1A): inserted, on 20 May 2004, by section 11(2) of the Forests Amendment Act 2004 (2004 No 49).

67I Other provisions relating to review and amendment of sustainable forest management plans

(1) While a sustainable forest management plan is current,—

(a) the Secretary and the owner may amend the plan at any time by agreement:

(b) the Secretary may amend the plan with or without the agreement of the owner, if either a natural event or an act constituting an offence against this Act—

(i) reduces significantly the amenity values or other natural values in the area to which the plan applies; or

(ii) reduces significantly the indigenous timber available for harvesting under the plan; or

(iii) otherwise renders the plan inoperative.

(2) At 5-yearly or longer intervals, the Secretary, after consulting the owner and having regard to the views expressed by the owner, may review the plan and, subject to subsection (4), may require such amendments to be made to it as he or she thinks fit.

(3) At the expiration of the term of the plan, the Secretary, after consulting the owner, may renew the plan subject to such amendments as the Secretary may require.

(4) Before amending or renewing the plan, the Secretary shall consult with the Director-General of Conservation in every case, and shall also consult the chief executive of the Ministry of Maori Development if the land concerned includes any Maori land.

(5) The Director-General of Conservation may require the Secretary to review any plan after 5 years has elapsed since the approval or last renewal of the plan.

Section 67I: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67I(1)(b)(ii): amended, on 20 May 2004, by section 12 of the Forests Amendment Act 2004 (2004 No 49).

67J Matters to be incorporated in sustainable forest management plans

(1) The provisions of Schedule 2 shall apply in relation to sustainable forest management plans.

(2) Where satisfied that compliance by an owner with any provision of a sustainable forest management plan is unreasonable or impractical, the Secretary may, after consultation with the Director-General of Conservation and also with the chief executive of the Ministry of Maori Development if the land concerned includes any Maori land, exempt the owner from compliance with that provision on such conditions as he or she thinks fit.

Section 67J: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

67K Sustainable forest management plan to be recorded against record of title

(1) Every owner of land specified in a sustainable forest management plan shall, as soon as practicable after the plan has been approved, request the Registrar-General of Land to record the plan in accordance with this section.

(2) The Registrar-General of Land must, at the request of the owner, note the plan in the register.

(3) If no record of title for the land has been issued, the Registrar-General of Land must create a record of title for the plan.

(4) No sustainable forest management plan may be received for the issue of a record of title under subsection (3) unless it has endorsed on it a certificate by a licensed cadastral surveyor certifying that the land specified in that plan is within the boundaries of a parcel of land identified on a plan lodged with the Surveyor-General or the Registrar-General of Land.

(5) Where the land concerned is Maori land (as defined in section 4 of Te Ture Whenua Maori Act 1993) and that land is not within the boundaries of a parcel of land identified on a plan lodged in terms of subsection (4), the owner shall request the appropriate District Registrar of the Maori Land Court to enter on the memorial schedule of the Title Binder relating to the land a notification of the sustainable forest management plan; and the Registrar shall make the entry on that schedule accordingly and that entry shall be sufficient compliance with the requirements of this section.

(6) Notwithstanding any rule of law or equity to the contrary, every sustainable forest management plan shall run with and bind the land specified in the plan and shall be deemed to be an interest in land for the purposes of the Land Transfer Act 2017.

(7) Where any of the land to which the plan relates comprises part of land in a record or instrument of title, the owner may, instead of complying with section 224 of the Land Transfer Act 2017, indicate the boundaries of the land by reference to a diagram or an aerial photograph.

(8) No action shall lie against the Crown under subpart 3 of Part 2 of the Land Transfer Act 2017 in respect of any such boundary not defined in accordance with section 224 of that Act.

(9) The owner may at any time, in accordance with section 224 of the Land Transfer Act 2017 and in accordance with the regulations for the time being in force in that behalf, deposit a plan which shall—

(a) define such area or areas as may be mutually agreed upon by the Secretary and the owner; and

(b) for all purposes supersede the diagram or aerial photograph or relevant part of the diagram or aerial photograph; and

(c) when deposited, be deemed to be incorporated in the interest in land comprising the plan.

(10) On the deposit of such plan, the Registrar-General of Land shall, if necessary, amend the description of the parcels included in the plan and shall endorse on any relevant record of title, lease, licence, or profit a memorial to the effect that the boundaries or such of the boundaries as are defined, have been surveyed.

(11) Where—

(a) the Secretary and an owner agree to vary or cancel any notification of a plan under this section; or

(b) pursuant to section 67I, the Secretary (with or without the agreement of the owner) amends or renews a sustainable forest management plan,—

the Secretary may issue a certificate to the Registrar-General of Land or the appropriate District Registrar of the Maori Land Court, as the case may require, stating the effect of the agreement or amendment or renewal; and, upon receipt of the certificate, the Registrar-General of Land or the appropriate District Registrar must—

(c) record the certificate in accordance with this section as if it were a plan; and

(d) vary or cancel the notification to the extent necessary to give effect to the agreement or amendment or renewal stated in the certificate.

Section 67K: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67K heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(1): amended, on 20 May 2004, by section 13(a) of the Forests Amendment Act 2004 (2004 No 49).

Section 67K(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(4): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(5): amended, on 30 March 1995, by section 5(1)(a) of the Forests Amendment Act 1995 (1995 No 10).

Section 67K(5): amended, on 30 March 1995, by section 5(1)(b) of the Forests Amendment Act 1995 (1995 No 10).

Section 67K(5): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 67K(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(6): amended, on 20 May 2004, by section 13(c) of the Forests Amendment Act 2004 (2004 No 49).

Section 67K(7): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(8): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(9): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(10): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 67K(11): inserted, on 30 March 1995, by section 5(2) of the Forests Amendment Act 1995 (1995 No 10).

Section 67K(11): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

67L Plan not to constitute subdivision

The approval or registration of a sustainable forest management plan shall not constitute a subdivision of land for the purposes of the Local Government Act 1974 or the Resource Management Act 1991.

Section 67L: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67L: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Miscellaneous provisions

Heading: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

67M Sustainable forest management permits

(1) An owner of a landholding for an area of indigenous forest land may apply to the Secretary for a sustainable forest management permit for all or part of that area to allow the harvesting and milling of indigenous timber.

(2) A sustainable forest management permit has effect for 10 years from the date that permit is registered and—

(a) authorises the harvesting and milling of indigenous timber in accordance with the permit from an area within the area of land specified in the permit; and

(b) specifies the area of land to which the permit applies; and

(c) specifies the quantity of timber fixed by the Secretary (being timber capable of being milled irrespective of its quality) that may be harvested and milled in accordance with the permit.

(3) A sustainable forest management permit must not authorise the harvesting and milling—

(a) of more than 10%—

(i) of the quantity of indigenous timber (excluding roots) capable of being milled standing on the area of land specified in the permit; and

(ii) of the quantity of each species of indigenous timber (excluding roots) capable of being milled standing on the area of land specified in the permit; and

(b) of more than the following volumes of indigenous timber:

(i) 250 cubic metres of podocarp or kauri or shade-tolerant, exposure-sensitive, broadleaved hardwood species; and

(ii) 500 cubic metres of beech or other light-demanding hardwood species.

(4) A second or subsequent sustainable forest management permit must not be issued in respect of any indigenous timber unless and until the Secretary is satisfied that the quantity of each species of indigenous timber (being timber capable of being milled, irrespective of its quality, but excluding roots) standing in the area to which the permit will apply is at least equivalent to the quantity of each species standing in the area at the date of the grant of the previous permit.

(5) A sustainable forest management permit expires 18 months after the date of issue of the permit unless it is registered before the close of that period.

(6) The Secretary must not grant a permit for an area of indigenous forest land that is specified—

(a) in a sustainable forest management plan as an area of land to which that plan applies; or

(b) in a permit, issued within the previous 18 months, as an area to which that permit applies; or

(c) in a permit, registered within the previous 10 years, as an area to which the permit applies.

(7) The provisions of sections 67F(2), 67H(1A), (2), and (3), 67I, 67K, and 67L and the provisions and prescriptions set out in clauses 8, 9, and 10 of Schedule 2, with the necessary modifications, apply—

(a) to every proposal under this section as if it were a draft sustainable forest management plan; and

(b) to every permit under this section as if it were a sustainable forest management plan.

Section 67M: replaced, on 20 May 2004, by section 14(1) of the Forests Amendment Act 2004 (2004 No 49).

67N Provisions relating to representative area to be set aside

The representative area that may be set aside and accordingly be unavailable for harvesting in accordance with clause 10(2)(a) of Schedule 2 may be determined by the Secretary in accordance with the following provisions:

(a) in exercising his or her discretion to determine the representative area in any case, the Secretary shall have regard to the flora, fauna, and other conservation values within the total area that is subject to, or is to be subject to, the plan:

(b) the Secretary may determine a representative area if satisfied that—

(i) the area is of an adequate size and location to be accurately representative in the region concerned and adequately protective of such flora, fauna, and other conservation values in that region; or

(ii) the flora, fauna, and other conservation values are adequately protected in the representative area together with any indigenous forest land protected under any Act in the region concerned.

Section 67N: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

67O Beech coupe size

(1) Notwithstanding anything in clause 10(2)(c) of Schedule 2, an owner may apply to the Secretary for approval of the felling of beech in coupes having an area exceeding 0.5 hectares.

(2) Subject to subsection (3), the Secretary may approve the felling of beech in coupes of such area not exceeding 20 hectares as he or she thinks appropriate.

(3) In considering an application under this section, the Secretary shall have regard to whether coupes exceeding 0.5 hectares would result in any of the following:

(a) a significant adverse impact on flora and fauna, or other natural values:

(b) a significant increase in soil erosion or in the risk of soil erosion:

(c) a significant adverse impact on drainage or aquatic ecosystems:

(d) a significant impact on indigenous forest regeneration:

(e) a significant adverse impact on the amenity values of the forest.

(4) The matters referred to in subsection (3) shall be considered in relation to the region concerned and nationally.

Section 67O: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

67P Rights of appeal

(1) An owner may appeal to the Environment Court against a decision of the Secretary under section 67O not to grant the approval sought by the owner under that section.

(2) Any person or organisation having any interest in the decision greater than the public generally may, within 15 working days after the date on which the decision is notified under section 67G, appeal against a decision of the Secretary to the Environment Court if—

(a) the decision is to approve a beech coupe size exceeding 0.5 hectares; or

(b) the decision is the granting of an exemption under section 67J(2) in respect of beech coupe size provisions in a sustainable forest management plan.

(3) For the purposes of this section, Schedule 9 of the Planning Act 2026 applies, with the necessary modifications, as if the decision appealed against were a planning consent under that Act.

Section 67P: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67P(1): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 67P(2): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 67P(3): replaced, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

67Q Records

(1) The operator of any sawmill milling indigenous timber shall maintain in such form as may be prescribed by regulations made under section 72 a record of particulars relating to the source of such timber, including separate records specifically relating to—

(a) timber from areas of land subject to a sustainable forest management plan; and

(ab) timber harvested from areas of land subject to a sustainable forest management permit; and

(b) timber harvested pursuant to an exemption given under this Act.

(2) The owner of any land subject to a registered sustainable forest management plan or a registered sustainable forest management permit shall maintain in such form as may be prescribed by regulations made under section 72 a record of particulars relating to the volume, type, and destination of timber harvested under the plan or permit.

Section 67Q: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67Q(1)(ab): inserted, on 20 May 2004, by section 15(1) of the Forests Amendment Act 2004 (2004 No 49).

Section 67Q(2): amended, on 20 May 2004, by section 15(2) of the Forests Amendment Act 2004 (2004 No 49).

67R Powers of entry and seizure

(1) For the purposes of this Part, the Secretary and any forestry officer shall have power—

(a) to enter any land, premises, vehicle, conveyance, ship, aircraft, railway, railcar, or bulk cargo container for the purpose of inspecting any indigenous timber from any indigenous forest land or seeing whether any such timber exists there; and

(b) to search therein for any indigenous timber; and

(c) to enter any indigenous forest land; and

(d) to require the production and surrender of any document relating to indigenous timber; and

(e) to seize any indigenous timber that he or she reasonably believes is about to be, is being, or has been milled or exported, or has been felled or harvested, in contravention of this Part.

(2) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for subparts 2 and 3, sections 118 and 119, and subparts 5 and 8) apply.

Section 67R: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67R(1)(e): amended, on 20 May 2004, by section 16 of the Forests Amendment Act 2004 (2004 No 49).

Section 67R(2): inserted, on 1 October 2012, by section 317(3) of the Search and Surveillance Act 2012 (2012 No 24).

67S Forfeiture of seized indigenous timber

(1) *[Repealed]*

(2) If satisfied that any indigenous timber seized under this Part may perish, rot, or spoil, the Secretary may arrange for its sale (at a price that is reasonable in the circumstances) in any manner the Secretary thinks fit.

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

(7) *[Repealed]*

(8) On the conviction of any person for any offence against this Act, any indigenous timber to which the offence relates that has been seized under this Act may, on the direction of the court, be forfeited to the Crown; and in that case shall be disposed of as the Secretary thinks fit.

(9) Any person whose timber has been forfeited to the Crown under this section or any person having a legal or equitable interest in any such timber (not being, in either case, a person convicted of an offence out of which the forfeiture arose) may apply to the Minister within 30 days of the conviction concerned for the release of the timber forfeited; and the Minister may order the release of the timber on payment to the Crown of any amount the Minister thinks appropriate, being an amount not exceeding the amount the items forfeited are estimated by the Secretary to be likely to realise if sold by public auction in New Zealand.

Section 67S: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67S(1): repealed, on 1 October 2012, by section 317(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67S(3): repealed, on 1 October 2012, by section 317(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67S(4): repealed, on 1 October 2012, by section 317(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67S(5): repealed, on 1 October 2012, by section 317(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67S(6): repealed, on 1 October 2012, by section 317(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67S(7): repealed, on 1 October 2012, by section 317(4) of the Search and Surveillance Act 2012 (2012 No 24).

67T Offences

Every person commits an offence who—

(a) exports from New Zealand any indigenous timber in contravention of section 67C; or

(b) mills any indigenous timber contrary to section 67D; or

(c) falsifies any milling records required under this Part; or

(d) contravenes any provision of a registered sustainable forest management plan or registered sustainable forest management permit; or

(e) wilfully damages any indigenous timber in an area subject to a registered sustainable forest management plan or registered sustainable forest management permit; or

(f) carries out work for the harvesting of timber (including, but not limited to, the felling of timber and the construction of roads, tracks, or landings) on an area of land subject to a registered sustainable forest management plan, or a registered sustainable forest management permit, other than in accordance with an annual logging plan approved under section 67H; or

(fa) transports, mills (other than under section 67D(1)(e)), chips, cuts for firewood, or pulps any timber harvested from an indigenous forest, knowing that the timber is about to be, is being, or has been felled, harvested, milled, or exported in contravention of this Part; or

(fb) fells any indigenous timber on land subject to a registered sustainable forest management plan, or a registered sustainable forest management permit, other than in accordance with that plan or permit; or

(fc) harvests or mills indigenous timber that is subject to an approval under section 67D(3) other than in accordance with the approval; or

(g) fails to keep records required under section 67Q; or

(h) fails, without lawful excuse, to comply with the requirements of any forestry officer under this Part; or

(i) gives to any forestry officer, under this Part, any particulars knowing that they are false or misleading in any material respect.

Section 67T: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67T(b): amended, on 30 March 1995, by section 7 of the Forests Amendment Act 1995 (1995 No 10).

Section 67T(f): replaced, on 20 May 2004, by section 17 of the Forests Amendment Act 2004 (2004 No 49).

Section 67T(fa): inserted, on 20 May 2004, by section 17 of the Forests Amendment Act 2004 (2004 No 49).

Section 67T(fb): inserted, on 20 May 2004, by section 17 of the Forests Amendment Act 2004 (2004 No 49).

Section 67T(fc): inserted, on 20 May 2004, by section 17 of the Forests Amendment Act 2004 (2004 No 49).

67U Penalties

(1) Every person who commits an offence against any of paragraphs (a) to (f) of section 67T is liable on conviction to a fine not exceeding $200,000, and, if the offence is a continuing one, to a further fine not exceeding $10,000 for every day or part of a day during which the offence continues.

(2) Every person who commits an offence against any of paragraphs (g) to (i) of section 67T is liable on conviction to a fine not exceeding $10,000, and, if the offence is a continuing one, to a further fine not exceeding $1,000 for every day or part of a day during which the offence continues.

(3) Where any body corporate is convicted of an offence against this Act, every director and every person concerned in the management of the body corporate shall be guilty of a like offence if it is proved—

(a) that the act that constituted the offence took place with his or her authority, permission, or consent; or

(b) that he or she knew or could be reasonably expected to have known that the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

Section 67U: inserted, on 1 July 1993, by section 3 of the Forests Amendment Act 1993 (1993 No 7).

Section 67U(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 67U(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

67V Relationship of Part with Resource Management Act 1991

Nothing in this Part derogates from any provision of the Resource Management Act 1991.

Section 67V: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Part 3B
Mechanism allowing landowners to access value created by Kyoto Protocol of carbon sequestration on land through establishment of forest sink covenants

[Repealed]

Part 3B: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67W Purpose of Part

[Repealed]

Section 67W: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67X Interpretation of Part

[Repealed]

Section 67X: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Subpart 1—Forest sink covenants

[Repealed]

Subpart 1: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67Y Regulation-making powers for forest sink covenants

[Repealed]

Section 67Y: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67Z Content of forest sink covenants

[Repealed]

Section 67Z: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZA Landowner must obtain written consent of interested persons to enter into, vary, or cancel forest sink covenants

[Repealed]

Section 67ZA: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZB Nothing in Part makes Crown liable

[Repealed]

Section 67ZB: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZC Sections 316 to 318 of Property Law Act 2007 do not apply to forest sink covenants

[Repealed]

Section 67ZC: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZD Registrar-General of Land to register forest sink covenants

[Repealed]

Section 67ZD: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZE The Crown may register charges with respect to land subject to forest sink covenants in certain circumstances

[Repealed]

Section 67ZE: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZF Liability to the Crown of persons who have or had landholding subject to registered forest sink covenants

[Repealed]

Section 67ZF: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZG Minister must give notice to Registrar-General of Land if forest sink covenants are varied, cancelled, or terminated

[Repealed]

Section 67ZG: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Subpart 2—Cost recovery

[Repealed]

Subpart 2: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZH Principles of cost recovery

[Repealed]

Section 67ZH: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZI Methods of cost recovery

[Repealed]

Section 67ZI: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZJ Cost recovery to relate generally to financial year

[Repealed]

Section 67ZJ: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZK Minister may review levels and methods of cost recovery

[Repealed]

Section 67ZK: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZL Fees and charges to be prescribed by regulations

[Repealed]

Section 67ZL: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZM Levies

[Repealed]

Section 67ZM: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZN Contents of levy order

[Repealed]

Section 67ZN: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZO Trust accounts required to be kept by persons collecting levies

[Repealed]

Section 67ZO: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZP Exemptions, waivers, and refunds

[Repealed]

Section 67ZP: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZQ Fees, levies, and charges to constitute debt due to Secretary

[Repealed]

Section 67ZQ: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZR Penalties for failure to pay fee, levy, or charge

[Repealed]

Section 67ZR: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZS Obligation to pay fee, levy, charge, or penalty not suspended by dispute

[Repealed]

Section 67ZS: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

67ZT Levy orders are confirmable instruments

[Repealed]

Section 67ZT: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

67ZU Relationship of Part with Resource Management Act 1991

[Repealed]

Section 67ZU: repealed, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Part 4
Miscellaneous provisions

68 Annual report

[Repealed]

Section 68: repealed, on 25 January 2005, by section 37(1) of the Public Finance Amendment Act 2004 (2004 No 113).

69 Control of injurious importations and exportations

[Repealed]

Section 69: repealed, on 8 July 2003, by section 28(1) of the Biosecurity Amendment Act 2003 (2003 No 38).

70 Regulations as to control and eradication of diseases affecting trees, etc

[Repealed]

Section 70: repealed, on 8 July 2003, by section 28(1) of the Biosecurity Amendment Act 2003 (2003 No 38).

70A Compensation for destruction

[Repealed]

Section 70A: repealed, on 8 July 2003, by section 28(1) of the Biosecurity Amendment Act 2003 (2003 No 38).

71 Plants Act 1970 not affected

[Repealed]

Section 71: repealed, on 8 July 2003, by section 28(1) of the Biosecurity Amendment Act 2003 (2003 No 38).

71A Regulations as to establishment and powers of Timber Preservation Authority

[Repealed]

Section 71A: deemed to have been repealed on 1 April 1988, by section 15(2)(a) of the Forests Amendment Act 1987 (1987 No 118).

71B Restrictions on exercise of power of entry

(1) Notwithstanding any other provision of this Act but subject to subsection (2), any provision in this Act or any regulations made under this Act giving any person the power to enter any land or premises, vehicle, conveyance, ship, vessel, aircraft, bulk cargo container, railway, or drilling rig without the consent of the owner or occupier shall be subject to Part 4 of the Search and Surveillance Act 2012 and to the following conditions:

(a) entry shall only be made by the person or class of persons specified in the relevant provision or any constable authorised by the person or a member of that class of persons:

(b) *[Repealed]*

(c) *[Repealed]*

(d) *[Repealed]*

(e) entry—

(i) into any dwellinghouse; and

(ii) on to any land or into any premises, vehicle, conveyance, ship, vessel, aircraft, railway, or drilling rig to obtain evidence of an offence—

shall be made following application in writing in the manner provided for an application for a search warrant in Part 4 of the Search and Surveillance Act 2012 by an authorised person to an issuing officer, who, if he has reason to believe that entry is necessary, may issue a warrant to every authorised person to enter for the stated purpose.

(f) *[Repealed]*

(2) The conditions specified in subsection (1), other than that specified in paragraph (a) of that subsection, and the conditions set out in Part 4 of the Search and Surveillance Act 2012 relating to time of entry, notification of intention to enter, and evidence of identification or authorisation to enter, shall not apply in circumstances where there are reasonable grounds to believe—

(a) that there is an immediate danger to life or property; or

(b) that immediate entry is necessary to contain, eradicate, or prevent—

(i) *[Repealed]*

(ii) fire,—

in order to avert serious damage to or destruction of any forest or forest produce.

(c) *[Repealed]*

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(4) Despite subsection (3), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

Section 71B: inserted, on 16 December 1983, by section 6(1) of the Forests Amendment Act 1983 (1983 No 136).

Section 71B(1): amended, on 1 October 2012, by section 317(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 71B(1): amended (with effect on 1 April 1987), on 1 July 1987, by section 16(a) of the Forests Amendment Act 1987 (1987 No 118).

Section 71B(1): amended (with effect on 1 April 1987), on 1 July 1987, by section 16(b) of the Forests Amendment Act 1987 (1987 No 118).

Section 71B(1)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 71B(1)(b): repealed, on 1 October 2012, by section 317(6) of the Search and Surveillance Act 2012 (2012 No 24).

Section 71B(1)(c): repealed, on 1 October 2012, by section 317(6) of the Search and Surveillance Act 2012 (2012 No 24).

Section 71B(1)(d): repealed, on 1 October 2012, by section 317(6) of the Search and Surveillance Act 2012 (2012 No 24).

Section 71B(1)(e): amended, on 26 March 2015, by section 4 of the Forests Amendment Act 2015 (2015 No 12).

Section 71B(1)(e): amended, on 1 October 2012, by section 317(7) of the Search and Surveillance Act 2012 (2012 No 24).

Section 71B(1)(f): repealed, on 1 October 2012, by section 317(6) of the Search and Surveillance Act 2012 (2012 No 24).

Section 71B(2): amended, on 1 October 2012, by section 317(8) of the Search and Surveillance Act 2012 (2012 No 24).

Section 71B(2)(b)(i): repealed, on 8 July 2003, by section 28(2) of the Biosecurity Amendment Act 2003 (2003 No 38).

Section 71B(2)(c): repealed, on 8 July 2003, by section 28(2) of the Biosecurity Amendment Act 2003 (2003 No 38).

Section 71B(3): inserted, on 1 October 2012, by section 317(9) of the Search and Surveillance Act 2012 (2012 No 24).

Section 71B(4): inserted, on 1 October 2012, by section 317(9) of the Search and Surveillance Act 2012 (2012 No 24).

71C Powers relating to ships

[Repealed]

Section 71C: repealed, on 8 July 2003, by section 28(1) of the Biosecurity Amendment Act 2003 (2003 No 38).

72 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations not inconsistent with this Act for all or any of the following purposes:

(a) prescribing the mode in which any forest produce is to be branded or marked for any purpose whatever; and providing for the registration of brands or marks:

(b) prescribing the terms, conditions, and securities upon which money may be advanced to persons, local authorities, and companies for the establishment, maintenance, and protection of forests:

(ba) providing for the registration of sawmills and other related factories or industrial plants; authorising the Secretary to require sawmill operators to furnish information for the purposes of this Act; and prescribing the mode of registration and the fees to be paid in respect of registration:

(bb) prescribing such matters as are necessary or expedient for regulating the registration of sustainable forest management plans under the Land Transfer Act 1952:

(bc) providing for the establishment and functions of advisory committees, consisting of persons to be appointed by the Minister, to advise the Minister on phytosanitary matters arising in relation to forestry:

(c) prescribing offences for the breach of any regulations under this Act, or of the conditions of any licence, lease, permit, or other authority under this Act, and prescribing, on conviction,—

(i) in the case of an individual, a term of imprisonment not exceeding 1 month, or a fine not exceeding $2,000, and, if the offence is a continuing one, a further fine not exceeding $200 for every day during which the offence continues, or to both such imprisonment and fine:

(ii) in the case of a body corporate, a fine not exceeding $12,000, and, if the offence is a continuing one, a further fine not exceeding $1,200 for every day during which the offence continues:

(d) prescribing the matters in respect of which fees are payable under this Act, the amounts of those fees or the method by which they are to be assessed, and the persons liable for payment of the fees:

(e) generally for any purposes for which regulations are required or contemplated by this Act, and for giving full effect to the provisions of this Act.

(1A) *[Repealed]*

(2) *[Repealed]*

(3) Regulations made under this Act may be so made as to apply generally throughout New Zealand or within any specified part or parts thereof, or within the whole of New Zealand except such part or parts as may be specified in the regulations.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) *[Repealed]*

Compare: 1921–22 No 43 s 63; 1941 No 26 s 28; 1948 No 56 s 6

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 72(1): replaced (with effect on 1 April 1987), on 1 July 1987, by section 17 of the Forests Amendment Act 1987 (1987 No 118).

Section 72(1)(ba): inserted, on 1 July 1993, by section 5(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 72(1)(bb): inserted, on 1 July 1993, by section 5(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 72(1)(bc): inserted, on 1 July 1993, by section 5(1) of the Forests Amendment Act 1993 (1993 No 7).

Section 72(1)(c): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 72(1)(d): replaced, on 1 July 1993, by section 5(2) of the Forests Amendment Act 1993 (1993 No 7).

Section 72(1A): repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 72(2): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

Section 72(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 72(4): repealed (with effect on 1 April 1987), on 1 July 1987, by section 18(2) of the Forests Amendment Act 1987 (1987 No 118).

72AA Certain secondary legislation or published instruments may be consolidated

Secondary legislation made by same maker and with same publishing requirements

(1) A maker may at any time apply this section to any secondary legislation that—

(a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, and that is subject to the same requirements for publishing the secondary legislation; and

(b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).

Other instruments made by same maker and with same publishing requirements

(2) A maker may at any time apply this section to any instruments that—

(a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, and that are subject to the same requirements for publishing the instruments; and

(b) are not secondary legislation.

Once this section is applied to specific instruments

(3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—

(a) revoke any specific instrument that has been made (a **revoked instrument**); and

(b) make an instrument under any of the specific empowering provisions (the **new instrument**) that—

(i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and

(ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**).

(4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—

(a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and

(b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made.

(5) To avoid doubt,—

(a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and

(b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.

(6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied.

(7) In this section,—

instrument has the meaning given in section 5(1) of the Legislation Act 2019

maker, in relation to an instrument, means the person empowered to make it

specific empowering provisions means the provisions of this Act, or of regulations, that—

(a) empower the making of the specific instruments; and

(b) are referred to in the subsection under which the maker applies this section to the specific instruments

specific instruments means the 1 or more instruments to which the maker applies this section, whether the instruments—

(a) have been made (and are to be revoked); or

(b) are able to be made.

Section 72AA: inserted, on 10 July 2026, by section 288 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

72AB Making instruments that make minor amendments or correct minor or technical errors

(1) The test in this section is met if the maker of an instrument is satisfied that—

(a) the instrument that is to be made (the **new instrument**) amends or replaces an instrument made under this Act (the **affected instrument**); and

(b) the amendment or replacement of the affected instrument is minor in effect or corrects a minor or technical error.

(2) However, if the maker considers that 1 or more parts of the new instrument do not meet the test in subsection (1)(b), the full requirements for making the instrument apply in respect of those parts only.

Section 72AB: inserted, on 10 July 2026, by section 288 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

72A Remuneration and expenses

There shall be paid out of money appropriated by Parliament for the purpose to any person appointed to a committee under section 15(2)(b) remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if any such committee were a statutory Board within the meaning of that Act.

Section 72A: inserted (with effect on 1 April 1987), on 1 July 1987, by section 18(1) of the Forests Amendment Act 1987 (1987 No 118).

Section 72A: amended, on 6 August 2022, by section 9(a) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

Section 72A: amended, on 6 August 2022, by section 9(b) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

73 Repeals and savings

(1) The enactments mentioned in Schedule 1 are hereby repealed to the extent mentioned in that schedule.

(2) All Proclamations, Orders in Council, orders, appointments, licences, leases, permits, grants, regulations, agreements, records, instruments, rights, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into force of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into force of this Act, may be continued, completed, and enforced as if this Act had not been passed.

Compare: 1921–22 No 43 s 65

Section 73(1): amended, on 1 July 1993, by section 9(1) of the Forests Amendment Act 1993 (1993 No 7).

Schedule 1AA
Transitional, savings, and related provisions

s 2A

Schedule 1AA: inserted, on 6 August 2022, by section 10 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

Part 1
Provisions relating to Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020

Schedule 1AA Part 1: inserted, on 6 August 2022, by section 10 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

1 Interpretation

In this Part,—

amendment Act means the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020

commencement date, in relation to a provision of this Act, means the date on which the provision is amended, replaced, repealed, or inserted by the amendment Act

new, in relation to a provision of this Act, means the provision as in force on and after its amendment, replacement, or insertion by the amendment Act

old, in relation to a provision of this Act, means the provision as in force immediately before its amendment or repeal by the amendment Act.

Schedule 1AA clause 1: inserted, on 6 August 2022, by section 10 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

2 Application of new provisions to existing agreements

(1) The new provisions do not apply (and the old provisions continue to apply) in relation to the following:

(a) a transaction or transfer described in section 63I(1) that is agreed to before the commencement date of that section:

(b) an agreement to provide a forestry adviser service, in a particular case, that is made before that commencement date.

(2) It does not matter whether the transaction or transfer occurs, or the advice is provided, before, on, or after that commencement date.

(3) To avoid doubt, the reference in subclause (1)(b) to an agreement does not include a contract of employment to provide forestry adviser services generally.

Schedule 1AA clause 2: inserted, on 6 August 2022, by section 10 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

3 New registration requirements and offences do not apply until 12 months after commencement date

The following new provisions do not apply in respect of an act or omission that occurs earlier than 12 months after that section's commencement date:

(a) section 63H(1) (which prohibits a person from acting as a log trader unless registered or exempt):

(b) section 63L(1) (which prohibits a person from providing a forestry adviser service unless registered or exempt):

(c) section 63ZK(1)(a) to (f) (which creates offences under Part 2A).

Schedule 1AA clause 3: inserted, on 6 August 2022, by section 10 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43).

Part 2
Provisions relating to Climate Change Response (Emissions Trading Reform) Amendment Act 2020

Schedule 1AA Part 2: inserted, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

4 Removal of forest sink covenants from register and records

(1) The EPA (as defined by section 4 of the Climate Change Response Act 2002) must, as soon as is reasonably practicable after the commencement of this clause, give notice that the clause has commenced to—

(a) the Registrar-General of Land; and

(b) the Registrar of the Maori Land Court.

(2) As soon as is reasonably practicable after receiving the notice,—

(a) the Registrar-General of Land must record, on each record of title on which a forest sink covenant is registered, that the covenant is terminated; and

(b) the Registrar of the Maori Land Court must remove any notification of a forest sink covenant from the court's records of Maori land.

Schedule 1AA clause 4: inserted, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

5 Crown charges continue against land subject to forest sink covenants

For the purposes of any charge registered against land in accordance with section 67ZE immediately before the commencement of this clause, the charge and that section continue to apply as if the section had not been repealed.

Schedule 1AA clause 5: inserted, on 1 January 2024, by section 283 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Part 3
Provisions relating to Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024

Schedule 1AA Part 3: inserted, on 30 June 2024, by section 8(a) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

6 Secretary must refund application fees and levies

The Secretary must take all reasonably practicable steps to refund the following as soon as is reasonably practicable after the commencement of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024:

(a) any application fees (inclusive of goods and services tax) paid by any person under section 63P or 63S:

(b) any levy (inclusive of goods and services tax) collected by the Secretary under Part 5 of the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.

Schedule 1AA clause 6: inserted, on 30 June 2024, by section 8(a) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

7 Waiver of unpaid fees and levies

(1) This clause applies to—

(a) any unpaid application fee required under section 63P or 63S; and

(b) any uncollected levy under Part 5 of the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.

(2) The fee or levy is waived.

Schedule 1AA clause 7: inserted, on 30 June 2024, by section 8(a) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

8 Unresolved complaints and reviews extinguished

The following are extinguished:

(a) any unresolved reviews under section 63Z:

(b) any unresolved complaints made under section 63ZI.

Schedule 1AA clause 8: inserted, on 30 June 2024, by section 8(a) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

9 Notices issued by Forestry Authority

(1) This clause applies to registered log traders or registered forestry advisers who have received notices issued by the Forestry Authority under section 63G(1) or 63W.

(2) The registered person does not need to comply with the notice.

Schedule 1AA clause 9: inserted, on 30 June 2024, by section 8(a) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

10 Commercial disputes

(1) This clause applies to commercial disputes referred to dispute resolution under section 63ZJ.

(2) Parties to an existing dispute do not need to continue to comply with the procedure in clause 28 of the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.

Schedule 1AA clause 10: inserted, on 30 June 2024, by section 8(a) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Schedule 1
Enactments repealed

s 73

Schedule 1 heading: amended, on 1 July 1993, by section 9(2) of the Forests Amendment Act 1993 (1993 No 7).

Finance Act 1924 (1924 No 64) (Reprint of Statutes, Vol IV, p 786)

Amendment(s) incorporated in the Act(s).

Finance Act 1926 (1926 No 46) (Reprint of Statutes, Vol III, p 438; Vol VII, p 501)

Amendment(s) incorporated in the Act(s).

Finance Act 1927 (1927 No 5) (Reprint of Statutes, Vol III, p 436)

Amendment(s) incorporated in the Act(s).

Forests Act 1921–22 (1921–22 No 43) (Reprint of Statutes, Vol III, p 425)

Forests Amendment Act 1925 (1925 No 37) (Reprint of Statutes, Vol III, p 448)

Forests Amendment Act 1926 (1926 No 69) (Reprint of Statutes, Vol III, p 451)

Amendment(s) incorporated in the Act(s).

Forests Amendment Act 1948 (1948 No 56)

Forests and Rural Fires Act 1947 (1947 No 34)

Amendment(s) incorporated in the Act(s).

Public Service Amendment Act 1946 (1946 No 42)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1939 (1939 No 39)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1941 (1941 No 26)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1947 (1947 No 60)

Amendment(s) incorporated in the Act(s).

War Legislation and Statute Law Amendment Act 1918 (1918 No 10) (Reprint of Statutes, Vol III, p 447)

Amendment(s) incorporated in the Act(s).

Schedule 2
Provisions relating to sustainable forest management plans

s 67J

Schedule 2: inserted, on 1 July 1993, by section 6 of the Forests Amendment Act 1993 (1993 No 7).

1 Description of land

The plan shall describe the indigenous forest land to which the plan relates and its status, and shall include a map or plan showing clearly the extent and boundaries of the forest.

2 Description of forest areas

The plan shall include—

(a) a map showing the indigenous forest types; and

(b) a description of any previous logging.

3 Owner

(1) The plan shall state the full name and address of the owner of the land.

(2) The address to be stated—

(a) shall, in the case of a body corporate, be the owner's registered office:

(b) may, in the case of multiple owners of Maori land, be the office of the appropriate Registrar of the Maori Land Court.

4 Plan to specify relevant requirements under Resource Management Act 1991

The plan must specify the relevant details of all applicable district plans and regional plans under the Resource Management Act 1991.

Schedule 2 clause 4: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

5 Term

The plan shall specify the period for which the plan shall be in force.

6 Forestry inventory and produce to be removed

The plan shall specify—

(a) the names and species of indigenous timber and tree ferns that are proposed to be removed from the indigenous forest land; and

(b) details of the proposed volume of timber to be harvested; and

(c) forest inventory information to justify the proposed level of harvest.

7 Management

The plan shall specify details of the manner in which it is proposed to manage the indigenous forest land, including re-establishment of the forest.

8 Protection

The plan shall specify—

(a) any necessary measures to be taken to protect the forest, and, in particular, to protect the regenerating forest from pest, stock, fire, and other threats; and

(b) any necessary measures to retain and enhance flora and fauna and soil and water quality.

9 Annual logging plan

(1) A logging plan or plans shall be submitted to the Secretary annually for approval under section 67H(2).

(2) The Secretary may require the owner to mark, in such manner as the Secretary may specify, the trees that are intended to be harvested during the period to which the logging plan applies.

(3) A logging plan shall—

(a) delineate the area proposed to be felled during the annual period of the logging plan; and

(b) describe the proposed methods of harvesting; and

(c) show the location of all roads, tracks, and landings that exist or are proposed to be constructed; and

(d) specify all special logging requirements, such as directional felling; and

(e) show all waterways, and mark and describe all topography.

10 Sustainable forest management prescriptions

(1) The principal sustainable forest management prescription is that the rate of harvest from a forest or group of forests managed as a unit shall be limited to a level at which the forest can continue to supply an annual or periodic non-diminishing yield in perpetuity, which yield shall include the harvest of windthrown or dead trees as they become available.

(2) The other sustainable management prescriptions are as follows:

(a) an area that is representative of the forest area and does not exceed 20% of the total forest area to which the plan relates may be set aside and be unavailable for logging:

(b) podocarp and kauri species shall be harvested only by single tree or small group harvesting using low impact techniques. Harvesting shall, as far as possible, be restricted to the selective removal of trees predisposed to windthrow or early death. Throughout the term of the sustainable

management plan, the character and structure of all parts of the forest shall be maintained:

(c) beech and other light-demanding hardwood species shall be harvested only in coupes of 0.5 hectares or less:

(d) shade-tolerant and exposure-sensitive broadleaved hardwood species shall be harvested only by single tree or small group harvesting using low impact techniques. In creating gaps, regard shall be had for natural regeneration characteristics of the species targeted for logging:

(e) where any podocarp, kauri, or shade-tolerant or exposure-sensitive broadleaved hardwood species is harvested and sufficient advanced growth is lacking, there shall be planted for each tree removed at least 5 nursery-raised seedlings of at least 60 centimetres in height of the same species which seedlings shall, where practicable, be raised from seed collected from the district in which such seedlings are to be planted:

(f) where there is a failure of regeneration in a light-demanding hardwood forest, the failure shall be corrected by the planting of nursery-raised seedlings with preference being given to using seedlings of the same species which seedlings shall, where practicable, be raised from seed collected from the district in which the seedlings are to be planted.

(3) Before harvesting any coupe within a distance from a harvested coupe equal to the width of the harvested coupe, regeneration on the harvested coupe must—

(a) have reached a predominant mean height of 4 metres; and

(b) have reached a stocking of the harvested species equal to or greater than the forest before harvesting.

Schedule 2 clause 10(2)(e): amended, on 2 September 1996, by section 4 of the Forests Amendment Act (No 2) 1996 (1996 No 124).

Forests Amendment Act 2004

Public Act	2004 No 49
Date of assent	19 May 2004
Commencement	see section 2

1 Title

(1) This Act is the Forests Amendment Act 2004.

(2) In this Act, the Forests Act 1949 is called "the principal Act".

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 2
Miscellaneous provisions

19 Compensation

(1) No person is entitled to compensation from the Crown in respect of any diminution, by reason of the enactment of this Act, in—

(a) the rights, or value of the rights, of that person under a contract relating to indigenous timber on any specified Maori land; or

(b) the value of indigenous timber on any specified Maori land; or

(c) the value of any specified Maori land.

(2) This section is subject to section 20.

20 Power to specify criteria and method of assessment in relation to payment of assistance

(1) The Governor-General may, by Order in Council, specify the criteria and methods of assessment that must be applied by the Crown in determining any claim for financial losses suffered in relation to a specified contract as a direct result of the enactment of section 4.

(2) In this section, **specified contract** means a written contract that—

(a) relates to the export of indigenous timber harvested from specified Maori land; and

(b) was entered into before 13 July 1999, being the date on which this Act was introduced as a Bill into the House of Representatives.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Section 20(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

21 Power to specify payment of money in relation to conservation covenant not gross income of recipient

(1) The Governor-General may, by Order in Council, made in accordance with a recommendation of the Minister of Finance, specify that a payment of money made in consideration of the entering into of a conservation covenant over specified Maori land is not gross income of the recipient.

(2) An Order in Council under this section may relate to a payment of money that is made in any income year, beginning with the 2002–03 income year.

(3) In this section **gross income** has the same meaning as in section BD 1 of the Income Tax Act 1994.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Section 21(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

22 Certain payments of money under deed of settlement relating to Waitutu Block not assessable income or gross income

(1) This section applies to payments of money made—

(a) in any of the 1995–96 to 1999–2000 income years; and

(b) to the Proprietors of Waitutu Incorporated under the deed of settlement in relation to that portion of the Waitutu Block that is specified Maori land.

(2) A payment of money made in the 1995–96 or 1996–97 income year is not assessable income of the Proprietors of Waitutu Incorporated.

(3) A payment of money made in any of the 1997–98 to 1999–2000 income years is not gross income of the Proprietors of Waitutu Incorporated.

(4) In this section,—

assessable income has the same meaning as in the Income Tax Act 1994 as in force immediately before the commencement of the 1997–98 income year

deed of settlement has the same meaning as in the Waitutu Block Settlement Act 1997

gross income has the same meaning as in the Income Tax Act 1994 as in force at the commencement of the 1997–98 income year

payment of money includes the provision of consideration in kind

Proprietors of Waitutu Incorporated has the same meaning as in the Waitutu Block Settlement Act 1997

Waitutu Block has the same meaning as in the Waitutu Block Settlement Act 1997.

Notes

1 General

This is a consolidation of the Forests Act 1949 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Planning Act 2026 (2026 No 70): section 343(1), (5)

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): Part 11

Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25): Part 1

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Civil Aviation Act 2023 (2023 No 10): section 486

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

Forests (Regulation of Log Traders and Forestry Advisers) Amendment Act 2020 (2020 No 43) (as amended by Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247) and Secondary Legislation Act 2021 (2021 No 7))

Public Service Act 2020 (2020 No 40): section 135

Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22): sections 281, 283

Land Transfer Act 2017 (2017 No 30): section 250

Forests Amendment Act 2015 (2015 No 12)

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Search and Surveillance Act 2012 (2012 No 24): section 317

Criminal Procedure Act 2011 (2011 No 81): section 413

Climate Change Response (Moderated Emissions Trading) Amendment Act 2009 (2009 No 57): section 88(1)

Climate Change Response (Emissions Trading) Amendment Act 2008 (2008 No 85): section 54

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Climate Change Response Amendment Act 2006 (2006 No 59): section 31

Forests Amendment Act 2005 (2005 No 103)

Public Finance Amendment Act 2004 (2004 No 113): section 37(1)

Forests Amendment Act 2004 (2004 No 49)

Biosecurity Amendment Act 2003 (2003 No 38): section 28

Ministry of Agriculture and Forestry (Restructuring) Act 1998 (1998 No 106): section 9(1), (2)

Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100): section 4

Resource Management Amendment Act 1996 (1996 No 160): section 6(2)(a)

Forests Amendment Act (No 2) 1996 (1996 No 124)

State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122): clause 3

Forests Amendment Act 1995 (1995 No 10)

Forests Amendment Act 1994 (1994 No 33)

Forests Amendment Act 1993 (1993 No 7)

Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Public Finance Act 1989 (1989 No 44): section 83(7)

Forests Amendment Act 1987 (1987 No 118)

State-Owned Enterprises Act 1986 (1986 No 124): section 32(1)

Forests Amendment Act 1983 (1983 No 136)

Forests Amendment Act 1981 (1981 No 69)

Forests Amendment Act 1976 (1976 No 45)

Forests Amendment Act 1967 (1967 No 37)

Forests Amendment Act 1960 (1960 No 62)

Forest and Rural Fires Act 1955 (1955 No 44): section 62(1)

Reserves and Other Lands Disposal Act 1953 (1953 No 107): section 5(5)

Maori Affairs Act 1953 (1953 No 94): section 473(1)

Forests Act 1949 (1949 No 19): section 2(2)

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