



ANALYSIS

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1995, No. 10

An Act to amend the Forests Act 1949

[30 March 1995]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Forests Amendment Act 1995, and shall be read together with and deemed part of the Forests Act 1949 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “Forestry officer” (as inserted by section 32 (1) of the State-Owned Enterprises Act 1986), and substituting the following definitions:

“ ‘Forestry Officer’ means—

“(a) The Secretary:

“(b) Any person employed in the Ministry who is a member of the senior executive service (within the meaning of the State Sector Act 1988):

“(c) Any person employed in the Ministry who is an officer (within the meaning of that Act):

“ ‘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.”

(2) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “landholding” (as inserted by section 2 (1) of the Forests Amendment Act 1993), the following definitions:

“ ‘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.”

(3) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “salvaged timber” (as inserted by section 2 (1) of the Forests Amendment Act 1993), and substituting the following definition:

“ ‘Salvaged timber’ means—

“(a) Timber from trees that have fallen naturally:

“(b) Timber from trees that were felled to waste before the 3rd day of 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.”

(4) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “Secretary”, the following definition:

“ ‘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.”

(5) Section 2 (1) of the principal Act is hereby amended by inserting in the definition of the term “registered” (as inserted by section 2 (1) of the Forests Amendment Act 1993), after the word “sustainable” where it first occurs, the word “forest”.

(6) The Third Schedule to the State-Owned Enterprises Act 1986 is hereby consequentially amended by repealing the definition of the term “Forestry officer” set out in the second column of the Schedule in the item relating to the principal Act.

3. Prohibition on export of certain indigenous forest produce—(1) Section 67c(1)(e) of the principal Act (as inserted by section 3 of the Forests Amendment Act 1993) is hereby amended by inserting, before the word “root”, the word “salvaged”.

(2) Section 67c of the principal Act (as so inserted) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(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.”

4. Prohibition on milling indigenous timber—

(1) Section 67D(1)(b)(ii)(B) of the principal Act (as inserted by section 3 of the Forests Amendment Act 1993) is hereby amended by omitting the words “as defined in the Crown Minerals Act 1991”.

(2) Section 67D(1)(b) of the principal Act is hereby amended by repealing subparagraph (vii), and substituting the following subparagraph:

“(vii) The Secretary has stated in writing that he or she is satisfied that the timber has been lawfully taken from—

“(A) Any West Coast indigenous production forest; or

“(B) Any land permanently reserved under the South Island Landless Maoris Act 1906 and having the status of Maori land or General land owned by Maori under Te Ture Whenua Maori Act 1993; or

“(C) Any planted indigenous forest; or

“(D) Any land held, managed, or administered by the Crown under the Conservation Act 1987 or any of the Acts specified in the First Schedule to that Act; or”.

(3) Section 67D(1)(b)(ix) of the principal Act is hereby amended by inserting, before the words “sustainable forest management permit”, the word “registered”.

(4) Section 3 of the Forests Amendment Act 1994 is hereby consequentially repealed.

5. Sustainable forest management plan to be recorded against certificate of title—(1) Section 67k(5) of the principal

Act (as inserted by section 3 of the Forests Amendment Act 1993) is hereby amended—

- (a) By omitting the words “Block file”, and substituting the words “memorial schedule of the Title Binder”;
- (b) By omitting the words “that file”, and substituting the words “that schedule”.

(2) Section 67K of the principal Act (as so inserted) is hereby amended by adding the following subsection:

“(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 of this Act, 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 appropriate District Land Registrar or 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 appropriate District Land Registrar or District Registrar shall—

“(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.”

6. Sustainable forest management permits—(1) Section 67M (2) of the principal Act (as inserted by section 3 of the Forests Amendment Act 1993) is hereby amended—

- (a) By inserting, after the word “permit”, the words “shall have effect for a period of 10 years and”;
- (b) By inserting, after the words “capable of being milled”, the words “, irrespective of its quality”.

(2) Section 67M (3) of the principal Act (as so inserted) is hereby amended—

- (a) By inserting, before the word “timber” where it first occurs, the word “indigenous”;
- (b) By inserting, after the words “capable of being milled”, the words “, irrespective of its quality”.

(3) Section 67M of the principal Act (as so inserted) is hereby amended by repealing subsection (7), and substituting the following subsection:

“(7) The provisions of sections 67F (2), 67I, 67K, and 67L of this Act, and the provisions and prescriptions set out in clauses

9 and 10 of the Second Schedule to this Act, with the necessary modifications,—

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

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

7. Offences—Section 67 τ (b) of the principal Act (as inserted by section 3 of the Forests Amendment Act 1993) is hereby amended by omitting the word “logs”, and substituting the word “timber”.

8. Owners to obtain necessary resource consents under Resource Management Act 1991 before commencing forestry activities—The principal Act is hereby amended by repealing section 67 v (as inserted by section 3 of the Forests Amendment Act 1993), and substituting the following section:

“67 v . Before commencing any activity to which this Part of this Act applies, an owner shall obtain the resource consents (if any) required under the Resource Management Act 1991 for that activity.”

This Act is administered in the Ministry of Forestry.
