



ANALYSIS

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1995, No. 94

An Act to amend the Crown Forest Assets Act 1989
[19 December 1995]

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

1. Short Title and commencement—(1) This Act may be cited as the Crown Forest Assets Amendment Act 1995 and shall be read together with and deemed part of the Crown Forest Assets Act 1989 (in this Act referred to as the principal Act).

(2) Sections 2 and 3 of this Act shall be deemed to have come into force on the 25th day of October 1989.

2. Interpretation—Section 2(1) of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Drainage works’ means all drains associated with buildings:

“‘Erosion works’ means work done for the purpose of protecting roads against erosion:”.

3. New sections substituted—The principal Act is hereby amended by repealing section 29, and substituting the following sections:

“29. Annual licence fee—(1) Every Crown forestry licence shall provide for the payment, and periodic review, of an annual fee for the use of the licensed land.

“(2) The annual licence fee shall be a market rate agreed, or determined in a manner agreed, between the Crown and the licensee and specified in the Crown forestry licence.

“(3) For the purposes of this section, a Crown forestry licence may, if the Crown and the licensee agree,—

“(a) Provide that on a periodic review the annual licence fee shall be an amount equal to a specified percentage of the value of the licensed land:

“(b) Provide that the annual licence fee shall be based on the value of the licensed land excluding improvements specified in the licence, but including the value of such of the following classes of work done on or for the benefit of the land by any owner or occupier, whether before or after the commencement of the licence, as may be referred to in the licence:

“(i) Draining, excavation, filling, reclamation, or stabilising of the land or construction of retaining walls or other works appurtenant to such draining, excavation, filling, reclamation, or stabilising:

“(ii) Grading or levelling of the land or the removal of rocks, stone, sand, or soil from the land:

“(iii) Removal or destruction of vegetation or effecting any change in the nature or character of vegetation:

“(iv) Alteration of soil fertility or the structure of the soil:

“(v) Arresting or eliminating erosion or flooding:

“(vi) Such other classes of work as may be referred to in the licence.

“29A. Other provisions of Crown forestry licences—(1) Subject to the terms of the licence, a Crown forestry licence may be assigned by the licensee at any time.

“(2) Subject to this Act, every Crown forestry licence shall confer or impose on the licensee such other rights and obligations and contain such other terms and conditions as the responsible Ministers and the licensee may agree.”

4. Validation of certain Crown forestry licences—(1) For the avoidance of doubt it is hereby declared that every Crown forestry licence granted under section 14 of the principal Act before the commencement of this section shall be deemed to

comply, and to have always complied, with sections 29 and 29A of the principal Act (as enacted by section 3 of this Act).

(2) In every Crown forestry licence granted under section 14 of the principal Act before the commencement of this section, the terms “drainage works” and “erosion works” shall be deemed to have, and always to have had, the meanings given to those terms by section 2 (1) of the principal Act (as amended by section 2 of this Act).

(3) This section shall have effect notwithstanding any judgment or determination or order of any Court given before or after the commencement of this section in any proceedings commenced before the commencement of this section.

This Act is administered in the Treasury.
