

New Zealand.



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1921-22, No. 43.

AN ACT to make Provision for the Management and Protection of Forests and for other Purposes in relation thereto. Title.

[11th February, 1922.]

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

1. This Act may be cited as the Forests Act, 1921-22, and shall come into force on the first day of April, nineteen hundred and twenty-two. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.

“Board” means the Forest Advisory Board under this Act:

“Director” means the Director of Forestry appointed under this Act:

“Forest officer” means an officer of the State Forest Service under this Act:

“Forest produce” means the products of growing or dead trees, shrubs, timber, or other vegetable growth:

“Minister” means the Commissioner of State Forests under this Act:

“State forest” means a permanent State forest or a provisional State forest under this Act:

“Stock” includes cattle, horses, sheep, goats, and pigs:

“Timber” includes trees when they have fallen, or have been felled, and whether sawn, hewn, split, or otherwise fashioned:

“Trees” includes not only timber-trees, but also trees, shrubs, and bushes, seedlings, saplings, and re-shoots of every description:

“Working-plan” means a detailed written scheme of the operations to be undertaken on a specified area of forest.

3. (1.) All rights and reservations with respect to timber conferred by any licenses or permits or other authorities granted under any enactment hereby repealed, or under any other enactment or authority, and in existence at the commencement of this Act are hereby preserved. Saving of existing rights.

(2.) Where any such right has been granted in a State forest or in a provisional State forest, whether such State forest or provisional State forest was constituted before or after the grant of such right, the Commissioner of State Forests shall have the duty of taking, and is hereby empowered to take, all necessary proceedings to enforce any conditions of such right, and in respect of any

breaches of such conditions, and in respect of any act or omission by any holder of such rights contrary to the terms upon which such rights were granted, and the Commissioner of State Forests, in his discretion, may claim forfeiture of such right for any such breach, act, or omission.

PART I.

ADMINISTRATION.

Commissioner of
State Forests.

4. (1.) The Governor-General may from time to time appoint a member of the Executive Council to hold office during his pleasure as the Commissioner of State Forests (hereinafter in this Act referred to as Commissioner of State Forests or as the Minister).

(2.) The member of the Executive Council holding office on the commencement of this Act as Commissioner of State Forests under the State Forests Act, 1908, shall be deemed to have been appointed the Commissioner of State Forests under this Act.

State Forest Service.

5. (1.) There is hereby established a Department of State to be called the State Forest Service.

(2.) The State Forest Service shall consist of—

(a.) The Commissioner of State Forests :

(b.) The Director of Forestry :

(c.) The Secretary of Forestry :

(d.) Such conservators, rangers, and other officers as may from time to time be appointed as officers of the State Forest Service.

(3.) The State Forest Service shall be divided into two branches—namely, the Professional Branch and the Administrative Branch. The Director of Forestry shall be the departmental head of the Professional Branch, and the Secretary of Forestry shall be the departmental head of the Administrative Branch.

(4.) The Minister shall in every case determine the duties to be performed by the Professional Branch and the Administrative Branch respectively.

Functions of State
Forest Service.

6. The State Forest Service shall, subject to the provisions of this Act, have the exclusive control and management of—

(a.) All matters of forest policy ;

(b.) All State forests (whether provisional or permanent) ;

(c.) The planting and thinning of State forests, and the making, laying-out, and maintaining of plantations and nurseries, and the distribution of trees therefrom ;

(d.) The granting of leases, permits, licenses, and other rights and authorities under this Act ;

(e.) The enforcement of the conditions of leases, permits, licenses, and other rights and authorities granted under this Act or any enactment hereby repealed ;

(f.) The collection and recovery of all rents, fees, royalties, charges, and revenues of the Department ; and

(g.) Generally the administration of this Act.

Director of Forestry.

7. (1.) The Governor-General may from time to time appoint a suitable person to be the Director of Forestry, who shall be appointed

for a term not exceeding five years, but shall be eligible for reappointment at the expiration of the term of his office.

(2.) The Director of Forestry shall not be subject to the Public Service Act, 1912, but shall, notwithstanding that the term of his appointment is limited in accordance with this section, be deemed to be permanently appointed as an officer of the Public Service within the meaning and for the purposes of Part II of the Public Service Classification and Superannuation Act, 1908.

(3.) The Director shall receive such salary and allowances as may from time to time be appropriated by Parliament for the purpose.

(4.) The Director may be removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct.

(5.) The officer holding office at the commencement of this Act as Director of Forestry shall be deemed to have been appointed as Director of Forestry under this Act, and shall, on payment into the Public Service Superannuation Fund, within six months after the commencement of this Act, of an amount equal to the amount that would have been contributed by him to that fund if he had become a contributor thereto on the date of his first appointment, be entitled to count the period of his service before the commencement of this Act as part of his length of service within the meaning and for the purposes of Part II of the Public Service Classification and Superannuation Act, 1908.

8. (1.) There may from time to time be appointed an officer of the Professional Branch of the State Forest Service, to be known as the Assistant Director of Forestry, who shall perform such general official duties as he is called upon to perform by the Director. Assistant Director
of Forestry.

(2.) On the occurrence from any cause of a vacancy in the office of the Director (whether by reason of death, resignation, or otherwise) and in case of the absence from duty of the Director, from whatever cause arising, and so long as such vacancy or absence continues, the Assistant Director shall have and may exercise all the powers, duties, and functions of the Director.

(3.) The fact that the Assistant Director exercises any power, duty, or function as aforesaid shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether or not the occasion has arisen requiring or authorizing him so to do.

9. (1.) The Governor-General may from time to time appoint a suitable person to be the Chief Inspector of Forestry, who shall be an officer of the Professional Branch, and shall be appointed for a term not exceeding five years, but shall be eligible for reappointment at the expiration of the term of his office. Chief Inspector of
Forestry.

(2.) The Chief Inspector shall not be subject to the Public Service Act, 1912, but shall, notwithstanding that the term of his appointment is limited in accordance with this section, be deemed to be permanently appointed as an officer of the Public Service within the meaning and for the purposes of Part II of the Public Service Classification and Superannuation Act, 1908.

(3.) The Chief Inspector shall receive such salary and allowances as may from time to time be appropriated by Parliament for the purpose.

(4.) The Chief Inspector may be removed from office by the Minister on the recommendation of the Director.

(5.) The officer holding office at the commencement of this Act as Chief Inspector of Forestry shall be deemed to have been appointed as Chief Inspector of Forestry under this Act, and shall, on payment into the Public Service Superannuation Fund, within six months after the commencement of this Act, of an amount equal to the amount that would have been contributed by him to that fund if he had become a contributor thereto on the date of his first appointment, be entitled to count the period of his service before the commencement of this Act as part of his length of service within the meaning and for the purposes of Part II of the Public Service Classification and Superannuation Act, 1908.

Appointment of honorary rangers.

10. The Minister may from time to time appoint such honorary rangers as he thinks fit for the purposes of this Act, and all persons so appointed shall be deemed to be Forest officers within the meaning of this Act.

Forest officers, other than Director and Chief Inspector, to be subject to Public Service Act.

11. All officers of the State Forest Service, other than the Director and the Chief Inspector or persons appointed as honorary rangers, shall be subject to the provisions of the Public Service Act, 1912.

Forest officers not eligible to hold lease or license under this Act.

12. No officer of the State Forest Service other than an honorary ranger shall hold or be interested in any permit, license, lease, or other similar right or authority granted under this Act or under any Act hereby repealed, and no such officer shall, whether as principal or agent, trade in or be interested in any contract or agreement for the working or removal of any forest produce.

Forest officers may sell by auction without license as auctioneer.

13. Any Forest officer may, in the performance of his duties and with the authority in writing of the Director, hold an auction of forest produce, and may submit permits or other rights to public auction, without being the holder of a license under the Auctioneers Act, 1908.

Forest Advisory Board.

14. (1.) There is hereby established a Board to be called the Forest Advisory Board, to consist of—

- (a.) The Director of Forestry, who shall be the Chairman of the Board unless the Minister be present at a meeting, in which case the Minister shall be Chairman of that meeting :
- (b.) The Secretary of Forestry :
- (c.) One member to be appointed as representative of persons engaged as employers in the sawmilling industry :
- (d.) One member to be appointed as representative of persons engaged as workers in the sawmilling industry :
- (e.) One member to be appointed as representative of persons engaged in the distribution or use of forest produce :
- (f.) One member to be appointed as representative of any association of persons (whether incorporated or not) whose object or one of whose objects is the promotion of forestry :
- (g.) Two persons to be appointed on the recommendation of the New Zealand Counties Association, of whom one shall be appointed for the North Island and one for the South Island :

(h.) One other person to be appointed on the recommendation of the Minister.

(2.) The Minister shall be *ex officio* a member of the Board; and the Governor-General may, if he thinks fit, from time to time appoint a person being a Professor of Forestry at an institution affiliated to the University of New Zealand to be an additional member of the Board.

(3.) The members of the Board, other than the Director, shall be appointed by the Governor-General for a period of three years, save that any such member may be reappointed or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

15. The members of the Board shall be entitled to a refund of all travelling-expenses reasonably incurred by them in respect of their attendance at meetings of the Board and in transacting the business thereof. Refund of travelling-expenses.

16. (1.) Meetings of the Board may be summoned from time to time by the Minister. Meetings of Advisory Board.

(2.) At all meetings of the Board five members shall form a quorum.

17. The functions of the Board shall be to give advice and assistance with respect to all matters submitted to the Board by the Minister or the Chairman, and generally with respect to matters arising in relation to the administration of this Act. Functions of Board.

PART II.

STATE FORESTS.

18. (1.) The Governor-General may, by Proclamation, set apart any lands vested in the Crown, and not held in trust for any purpose inconsistent with this Act, as permanent State forests or provisional State forests under this Act. Governor-General may set apart lands as permanent or provisional State forests.

(2.) The power conferred on the Governor-General by the foregoing provisions of this section to set apart lands vested in the Crown as permanent State forests or as provisional State forests shall extend so as to authorize the setting-apart as State forests of areas of national-endowment land. Areas of national-endowment land may be set apart as State forests.

19. The reservation of any land as a permanent State forest shall not be revoked or altered save pursuant to a resolution in that behalf to be passed by both Houses of Parliament. Reservation of permanent State forest to be revoked only by resolution of both Houses of Parliament.

20. (1.) Lands set apart as provisional State forests shall for all purposes of this Act be State forests unless and until the Governor-General, acting on the recommendation of the Minister of Lands, shall, by further Proclamation, declare that such lands are required for settlement purposes. Governor-General in Council may declare lands included in provisional State forests to be subject to Land Act, 1908.

(2.) The effect of any such further Proclamation shall be that such parts of the provisional State forests as are defined in such further Proclamation shall cease to be provisional State forests, and shall become subject to the provisions of the Land Act, 1908.

Existing reservations continued.

21. All lands which at the commencement of this Act are State forests or provisional State forests shall be deemed to be permanent State forests or provisional State forests, as the case may be, under this Act.

Purchase of private lands for purposes of State forests.

22. (1.) The Minister may purchase or otherwise acquire any land for the purposes of a permanent State forest or a provisional State forest, or for the purpose of providing access to any State forest.

(2.) In addition to the authority conferred on the Minister by the foregoing provisions of this section, the Governor-General may take under the Public Works Act, 1908, as for a public work within the meaning of that Act, any land which in his opinion is required for the purposes of a State forest or for providing access to any State forest.

Minister may carry on industries in relation to forest produce.

23. The Minister may, for the purposes of this Act, establish and carry on any operations or industry relative to the cutting, extraction, removal, conversion, or distribution of timber and other forest produce, and may purchase or hire any buildings, machinery, and plant required in connection therewith.

Lands in State forest not to be disposed of except pursuant to this Act.

24. The lands comprised in any State forest and the timber and other forest produce thereon or therein shall not be dealt with otherwise than in conformity with this Act.

Maps of forests to be prepared and recorded.

25. (1.) A map of every permanent State forest and every provisional State forest, certified under the hand of the Surveyor-General, shall, as soon as practicable after the commencement of this Act, or after the proclamation of any lands as a State forest, as the case may be, be deposited in the Head Office of the State Forest Service, and shall be open to public inspection on payment of the prescribed fee.

(2.) All lands thereafter excluded from or added to any State forest shall be indicated on the map of that forest, and the alteration shall be certified by the Surveyor-General.

Working-plans.

26. (1.) The Director shall from time to time prepare working-plans for each State forest.

(2.) The working-plan for any State forest shall, subject to rights existing at the date of the approval of the plan, as hereinafter provided, regulate the management of that forest for such period, not exceeding ten years, as may be stated on the plan in that behalf.

(3.) A working-plan shall specify—

(a.) The maximum area from which forest produce may be taken annually;

(b.) The maximum quantity of forest produce that may be disposed of annually;

(c.) The silvicultural operations proposed to be carried out during the currency of the plan; and

(d.) Such other matters as the Director thinks fit.

(4.) Every working-plan shall be subject to the approval of the Minister, and, when so approved, shall have effect according to its tenor, and shall not be altered save by the Minister on the recommendation of the Director.

Fire districts.

27. (1.) For the purpose of securing the safety of State forests from damage by fire the Minister may from time to time, by notice

in the *Gazette*, and by written notice to each landowner interested within the area, on the recommendation of the Director and the Land Board of the district, declare any area, whether within a State forest or not, or whether partly within and partly outside a State forest, and whether Crown land or private land, to be a fire district.

(2.) Any notice under this section may at any time be in like manner revoked or varied.

(3.) With respect to any fire district constituted as aforesaid, the Minister may, by the notice constituting the district or by a subsequent notice in the *Gazette*, and by written notice to each landowner interested within the area, specify any period or periods (herein referred to as closed seasons) during which it shall not be lawful for any person, save pursuant to the written permit of a Forest officer, to set on fire or cause to be set on fire any timber (whether standing or not), or any undergrowth, or any debris from forest operations or land-clearing operations, or any grass or other specially inflammable material, without taking such precautions as may be prescribed by a Forest officer.

PART III.

LICENSES, LEASES, AND PERMITS.

28. (1.) The Minister may, subject to this Act, grant licenses, leases, and permits thereunder in respect of any land within a State forest.

Minister may grant licenses and other rights over State forests.

(2.) The power conferred on the Minister by this section may be delegated by him to the Director or to any conservator under this Act.

(3.) Such delegation may be in respect of any particular license, lease, or permit, or may be in respect of any class or classes of licenses, leases, or permits.

(4.) The fact that the Director or any conservator purports to grant any such license, lease, or permit shall be *prima facie* evidence of his authority so to do, and no person receiving any such license, lease, or permit shall be concerned to inquire whether such delegation has been made or not.

29. (1.) A license under this Act may confer on the licensee, subject to this Act and the regulations thereunder, and to conditions to be specified in the license, rights over the land therein defined for all purposes connected with the obtaining, conversion, and removal of such timber and other forest produce as may be specified therein.

Licenses to take forest produce.

(2.) A license under this section may, according to its tenor, confer on the licensee exclusive rights with respect to the forest produce therein referred to, or may confer on the licensee rights with respect to such produce, to be exercisable in common with any other licensee or licensees.

(3.) Notwithstanding anything to the contrary in the Kauri-gum Industry Act, 1908, or in any other Act, no license other than a license under this Act shall, after the commencement of this Act, be issued to dig for kauri-gum within the limits of any State forest.

Royalties and fees payable under licenses.

30. Every license granted under this Act shall be granted subject to the payment by the licensee of such royalties, rents, charges, or other fees as may be prescribed.

Forfeiture of timber not removed during currency of license.

31. All forest produce obtained under the authority of a license under this Act and not removed from the forest during the currency of the license, or within thirty days after the expiry of such license or of any renewal thereof, shall be forfeited to the Crown, and may be disposed of by the Director pursuant to regulations in that behalf.

Leases may be granted for grazing and other purposes.

32. (1.) Leases under this Act may be granted in respect of any lands comprised in a State forest for any purpose which in the opinion of the Director is not prejudicial to forestry.

(2.) Without restricting the generality of the last preceding subsection, leases may be granted under this Act for the following purposes, namely:—

(a.) For grazing and other purposes of a like nature;

(b.) As sites for sawmills, timber-depots, tramways, and incidental purposes;

(c.) As sites for tents or buildings for the use of persons holding licenses or permits under this Act; and

(d.) For any industrial purposes.

(3.) No lease under this Act shall be granted for a term exceeding twenty-five years.

(4.) No compensation shall be payable to a lessee on the expiration of a lease under this Act for any improvements effected on the land comprised therein; but the lessee shall be entitled at any time before or within three months after the expiry of his lease to remove any buildings, fences, or other improvements effected or acquired by him, or to dispose of them to an incoming lessee:

Provided that the Minister shall have the right at any time within the last year of the lease to notify the lessee that the Minister intends at the expiration of the lease to purchase any such improvements at a price to be fixed, in default of agreement, by arbitration, and in any such case such improvements shall be the property of the Crown at the expiration of the lease, and shall not after such notice be removed from the land by the lessee.

Permits for temporary occupation of forest lands.

33. A permit under this Act may, according to the tenor thereof, confer on the holder the right to enter on any land comprised in a State forest, and to do all such things therein as may be specified in the permit, not being prejudicial to forestry or to the rights conferred on any other person by any lease or license under this Act.

Forfeiture of licenses, &c.

34. Every license, lease, or permit under this Act shall be liable to forfeiture for default in payment of any royalties, rents, charges, or fees payable thereunder, or on the breach or non-observance by the holder of any of the provisions of this Act or the regulations thereunder or of the conditions expressed in his license, lease, or permit, as the case may be.

Restriction of grant of timber-cutting rights under other Acts.

35. (1.) After the commencement of this Act no lease, or license, or permission conferring the right to cut trees or timber shall be granted by a Warden under the provisions of the Mining Act, 1908, except for strictly mining purposes to the holder of a miner's right, and except that in respect of any areas duly reserved by certificates of Wardens under the said Act and the regulations made

thereunder a Warden may grant renewals of such certificates and may grant new licenses in respect of such reserved areas to the original licensees or their assigns :

Provided that no application for any such renewal or for any such new license shall be heard or determined by a Warden unless it is proved that notice of such application has been duly served upon the Minister.

(2.) After the commencement of this Act neither the Native Land Court nor a Maori Land Board shall grant any right to cut timber or confirm any instrument of grant of such right without the previous consent in writing of the Commissioner of State Forests.

PART IV.

FINANCIAL PROVISIONS.

36. There is hereby established in the Public Account a separate account to be known as the State Forests Account, which shall for all purposes be deemed to be the same account as that established by the same name under the State Forests Act, 1908.

State Forests
Account.

37. The State Forests Account shall be credited with—

(a.) All moneys standing to the credit of that account at the commencement of this Act :

Moneys payable
to State Forests
Account.

(b.) All moneys hereafter payable to the credit of that account under the authority of this or any other Act, whether now in force or hereafter passed :

(c.) All moneys received by the Crown as rents, royalties, license fees, charges, fines, awards for damage, the value of articles confiscated, and all other revenues whatsoever accruing from the management of State forests and the operation of this Act.

38. There may from time to time be paid out of the State Forests Account such amounts as may be appropriated by Parliament for all or any of the following purposes, namely :—

Moneys payable
out of State
Forests Account.

(a.) For the acquisition of private lands pursuant to this Act for the purposes of State forests, including incidental expenses :

(b.) For the construction of roads and tramways or other means of access to or of passage through any State forest :

(c.) For the purchase or hire of buildings, machinery, plant, equipment, and appliances under this Act :

(d.) For the establishment and maintenance of forest plantations and nurseries, and for purposes incidental thereto :

(e.) For the payment of grants or subsidies to any local authority or public body for planting reserves or for the establishment and maintenance of plantations :

(f.) For the payment of interest and other charges on moneys borrowed for the purposes of this Act (including moneys heretofore borrowed and outstanding for the purposes of the State Forests Act, 1908) :

(g.) For the payment of all salaries and contingent expenses incident to the State Forest Service :

(h.) For any other purposes in respect of which moneys are made payable out of the said account by this or any other Act, and generally for the payment of expenses incurred in the administration of this Act.

Revenue from national-endowment land in State forests.

39. (1.) Notwithstanding anything to the contrary in the Land Act, 1908, the revenue derived from any national-endowment land comprised in a State forest shall be paid into the State Forests Account.

(2.) There shall from time to time, as the Minister may direct, be transferred from the State Forests Account to the National Endowment Account, without further appropriation than this Act, one-half of the revenue derived from any national-endowment land as aforesaid remaining after the deduction of the expenses of the administration of that land as a State forest.

Loans for purposes of State forests.

40. (1.) The Minister of Finance is hereby empowered to borrow, on the security of and charged upon the public revenues of New Zealand, such sums of money as may from time to time be required for the acquisition of lands for the purposes of this Act and for the establishment and maintenance of State forests and purposes incidental thereto, not exceeding in the aggregate the sum of five hundred thousand pounds.

(2.) The sums so borrowed shall bear interest at such rate as the Minister of Finance prescribes.

(3.) All moneys borrowed under the authority of this section shall, as and when borrowed, be paid into the State Forests Account.

(4.) This section shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys herein authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

(5.) In computing the amount that may be borrowed under this section there shall be taken into account all moneys heretofore borrowed by the Minister of Finance, on the security of the public revenues, under any Act hereby repealed, and outstanding at the commencement of this Act.

PART V.

OFFENCES, PENALTIES, AND INCIDENTAL PROVISIONS.

Offences with respect to Forest officers.

41. Every person commits an offence against this Act, and is liable on summary conviction to a fine not exceeding fifty pounds, who—

- (a.) Offers violence to, or assaults, threatens, or attempts to intimidate, any Forest officer or other person under the control of the Director while such 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 such officer or person in or in relation to the exercise of such powers or the discharge of such duties as aforesaid.

42. Every person who wilfully 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 is false in any material particular commits an offence, and is liable on summary conviction to a fine not exceeding one hundred pounds :

False entries
or returns.

Provided that if it be proved that the payment of royalties or other moneys payable to the Crown has been evaded, and that such false entry or writing has been made or used for any purpose of such evasion, the Court shall add to the fine imposed by such conviction a further penalty equal to three times the amount of the royalties or payments the payment whereof shall be proved to have been so evaded.

43. Every person who, without lawful authority, fells, cuts, injures, destroys, obtains, or removes in, on, or from any State forest any forest produce commits an offence, and is liable on summary conviction to imprisonment for one year or a fine of one hundred pounds.

Unlawful cutting or
removal of forest
produce.

44. (1.) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding fifty pounds who, without lawful authority,—

Unlawful lighting
of fires in State
forests.

- (a.) Lights, kindles, or assists to light or kindle, or aids or abets any other person to light or kindle, any fire within any State forest, or within fifty yards of any State forest, if any produce is thereby burnt or injured or is in danger of being burnt or injured ; or
- (b.) Leaves, without having taken due precaution against its spreading or causing injury, any fire lighted or kindled by him as aforesaid, or in the lighting or kindling of which he has aided or abetted ; or
- (c.) Lights or kindles any fire, or aids or abets any other person to light or kindle any fire, in any fire district contrary to the provisions of this Act.

(2.) A reward, not exceeding fifty pounds, in respect of any conviction may, with the approval of the Minister, be paid to any person, not being a Forest officer, who has given information leading to a conviction under this section.

45. (1.) In the event of a fire occurring in or adjacent to any State forest or in any fire district a Forest officer may require any male person over the age of sixteen years residing or working within the fire district or within a radius of five miles of the outbreak to assist in extinguishing the fire.

Requisition of
assistance to
extinguish fires.

(2.) All persons who in response to a request pursuant to this section render the assistance so required of them shall be remunerated at such rate as may be prescribed or as may be approved by the Minister.

(3.) Every person who without sufficient cause, the proof whereof shall lie on him, fails to comply with the request of a Forest officer

under this section commits an offence, and is liable on summary conviction to a fine of twenty-five pounds.

Unlawful
interference with
property of Crown.

46. (1.) Every person commits an offence and is liable on summary conviction to a fine not exceeding fifty pounds who, without lawful authority, the proof whereof shall lie on him, takes or interferes with or causes to be taken or interfered with any buildings, materials, tools, goods, or chattels of any nature being the property of the Crown and being in or upon any State forest.

(2.) In addition to any fine that may be imposed under this section, the defendant in any proceedings thereunder shall be liable for the full amount of any damage done or loss involved by reason of the act constituting the offence.

Unlawful
molestation of
animals or
occupation of land,
&c., in State forests.

47. Every person commits an offence against this Act and shall be liable on summary conviction to a fine of twenty pounds who in any State forest, except pursuant to a license, lease, or permit under this Act, or other lawful authority,—

- (a.) Hunts, shoots, or destroys, or set snares for the purpose of capturing, any animals or birds; or
- (b.) Liberates any animal or animals; or
- (c.) Occupies, clears, or breaks up land for cultivation or any other purpose.

Power of entry
on land.

48. (1.) The Director and any Forest officer may enter upon the land held or occupied by virtue of any license, lease, or permit or other authority under this Act for the purpose of making inspections, or carrying out silvicultural operations, or other forest work, and may enter upon any such land or any other land, whether the property of the Crown or not, for the purpose of preventing or detecting offences against this Act, or for preventing or suppressing fires in any State forest.

(2.) Any person who obstructs or hinders the Director or any Forest officer in the exercise of his powers under this section commits an offence against this Act.

Other offences

49. Every person commits an offence against this Act and is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds who does any of the following things, namely:—

- (a.) Counterfeits upon or unlawfully fixes to any forest produce any mark used by and appropriated for the use of Forest officers:
- (b.) Without due authority, makes or causes to be made, or uses or causes to be used, or has in his possession, a brand or stamp which resembles or purports to be a brand or stamp such as is usually used by Forest officers:
- (c.) Counterfeits or without due authority issues any license or other authority for the cutting, removal, or sale of forest produce:
- (d.) Unlawfully alters, obliterates, defaces, pulls up, removes, or destroys any boundary-mark, or any stamp, mark, sign, license, lease, permit, or other authority used or issued by the State Forest Service or any Forest officer:
- (e.) Unlawfully destroys or damages any building, fence, gate, or other structure in, on, or enclosing any State forest:

- (f.) Without a license, lease, permit, or other authority, does or causes to be done any act, matter, or thing for which such authority is required under this Act :
- (g.) Without the written authority of a Forest officer, removes from any land within a State forest any forest produce without previously paying the proper royalty or fee in respect thereof :
- (h.) Knowingly furnishes any Forest officer with a false or incorrect statement of any forest produce felled, cut, split, sawn, or removed by him or by any person as his agent or employee, on which royalties, fees, or charges are payable to the Crown.

50. Any person found within a State forest, or in the vicinity thereof, and having in his possession any forest produce, who, on being thereunto required by a Forest officer, refuses or fails to give an account to the satisfaction of such officer of the manner in which he became possessed of such forest produce is guilty of an offence, and is liable on summary conviction to a fine not exceeding ten pounds, and the forest produce shall be forfeited.

Unlawful possession of forest produce.

51. (1.) Every person who aids, abets, counsels, or procures or by any act or omission is in any way directly or indirectly concerned in the commission of an offence against this Act shall be deemed to have committed that offence, and shall be liable accordingly.

Aiding and abetting offences.

(2.) Every person who, without lawful authority, the proof whereof shall lie on him, receives any forest produce knowing the same to have been unlawfully obtained commits an offence against this Act, and shall be liable accordingly.

52. (1.) When there is reason to believe that an offence has been committed in respect of any forest produce, such produce may be seized by a Forest officer, and stamped or marked with a distinctive mark, and shall thereupon become and remain the property of the Crown until the title of a lawful owner is established.

Seizure of forest produce.

(2.) Any forest produce seized under this section may be sold or otherwise disposed of as the Director may determine, and the proceeds derived from any such sale shall be paid into the State Forests Account, subject to the claim of any lawful owner of the forest produce.

53. (1.) Any Forest officer or any constable may, if he has reason to believe that any timber or other forest produce has been cut, removed, or otherwise dealt with contrary to the provisions of this Act, or has been abandoned, enter any land or any building and seize such timber or other produce, and place thereon a distinctive brand or mark, and such timber or produce shall thereupon become and remain the property of the Crown until otherwise ordered by a Stipendiary Magistrate, who shall in any such case have authority to determine any question of ownership.

Seizure of forest produce in certain cases.

(2.) The branding or marking of such timber or other forest produce in the manner above described shall in itself constitute a seizure, and any person who thereafter, without the written permission of the person making the seizure or on the order of a Stipendiary Magistrate, removes or interferes with the timber or other produce seized shall be liable on summary conviction to

imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds.

Procedure in respect of seizures.

54. (1.) When any timber or other State forest produce has been seized pursuant to the last preceding section the person making the seizure shall forthwith inform the person in possession of, or owning, or reasonably believed to own, the timber or other State forest produce of the fact of such seizure, or, if such person is not known to him, shall affix a notice of the seizure on such timber or produce, and shall also file a notice thereof in the office of the Magistrate's Court nearest to the place of seizure.

(2.) If any person is convicted of any offence referred to in the last preceding section, or if, in the case of a notice affixed or filed as aforesaid, no one within fourteen days after such fixing, or the date of filing, claims to be the owner of the timber or other forest produce, any Stipendiary Magistrate shall either order the same to be forfeited to the Crown or make such order vesting the same in any person as may be thought just.

Timber presumed to be property of Crown till contrary proved.

55. When in any proceedings under this Act a question arises as to whether any forest produce is the property of the Crown, such forest produce shall be presumed to be the property of the Crown until the contrary is proved.

Power to arrest trespasser in State forest.

56. Any constable, or any conservator, ranger, or other Forest officer specially authorized in that behalf by writing under the hand of the Director, may without warrant arrest any person found committing any breach of any of the provisions of this Act, or of any regulations thereunder; and every person so arrested shall, as soon as conveniently may be thereafter, be brought before a Justice of the Peace to be dealt with according to law.

General provisions as to offences

57. Every person who commits an offence against this Act—

(a.) Shall, if no penalty is specified for the offence, be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months; and

(b.) Shall in any case be liable on conviction for any loss or damage caused by the offence in addition to the penalty for the offence, and such loss or damage may be awarded by the Court in fixing the penalty, and may be recovered as a fine.

Limitation of proceedings.

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

PART VI.

MAORI FORESTS.

Assembled owners of Native forest land may by resolution transfer control to State Forest Service.

59. (1.) The assembled owners of any Native land may pass a resolution that the control of that land shall be transferred to the Commissioner of State Forests for administration as a Maori forest under this Part of this Act.

(2.) For the purposes of this Part of this Act the term "Native land" has the same meaning as in the Native Land Act, 1909, and

the term "assembled owners" means the assembled owners within the meaning of Part XVIII of that Act.

(3.) The provisions of the said Part XVIII shall, with the necessary modifications, apply to every resolution under this Part of this Act. Any such resolution may apply to land vested in a Maori Land Board under Part XIV or Part XV of the said Act or to land which is subject to Part XVI thereof.

(4.) On the confirmation of any such resolution in accordance with the provisions of the aforesaid Part XVIII of the Native Land Act, 1909, the Governor-General may, by Order in Council, declare that the control of the land is, as from a date to be specified in that behalf, vested in the Minister for administration as a Maori forest under this Part of this Act, and thereupon, and at all times thereafter while the Order in Council remains in force, the land shall remain subject to this Part of this Act accordingly.

(5.) Every such Order in Council shall be conclusive proof that all conditions precedent to the making thereof have been duly fulfilled, and the validity of any such Order in Council shall not be questioned in any Court.

(6.) Where the number of owners of a block of Native land does not exceed ten, such owners may agree in writing with the Minister that the control of such block shall be vested in the Minister for administration as a Maori forest under this Part of this Act. The Governor-General in Council may thereupon, by Order in Council, declare that the control of such block shall be so vested. The provisions of subsections four and five of this section shall, with the necessary modifications, apply in respect of an Order in Council made in pursuance of this subsection.

(7.) The East Coast Commissioner is hereby empowered to transfer to the Minister for administration as a Maori forest under this Part of this Act the control of any land now vested in or controlled by the East Coast Commissioner.

(8.) On a resolution being passed by the Native Trust Office Board that the control of any land vested in the Native Trustee as a "Native reserve" as defined by the Native Trustee Act, 1920, may be transferred to the Minister for administration as a Maori forest under this Part of this Act, the Native Trustee shall be deemed to be empowered to enter into contract with the Minister for such transfer upon such terms and conditions as may be agreed upon between them.

(9.) All land the control whereof is transferred as aforesaid to the Minister by the Native Trustee or the East Coast Commissioner shall be deemed to be Native land for the purposes of this section.

(10.) All Native land the control of which is vested as aforesaid in the Minister under this Part of this Act shall be administered by the State Forest Service in all respects, save as is in this Part of this Act otherwise specially provided, as if it were a State forest within the meaning of this Act, and shall not be otherwise alienated by the Board or the owners, as the case may be, so long as it remains under such control.

(11.) All revenues derived from the administration of any Maori forest shall be paid into a separate account in the Public Account

to be called the [*Descriptive name*] Maori Forest Account, and all moneys required for the administration of that forest shall be paid out of that account without further appropriation than this Act.

(12.) There shall from time to time be transferred from each Maori Forest Account to the State Forests Account such amount in respect of the charges of administration as may be agreed on between the Minister and the assembled Native owners, or, failing such agreement, as may be prescribed in that behalf by the Governor-General in Council.

(13.) The balance of the moneys in each Maori Forest Account not required in respect of the administration of the Maori forest shall from time to time be apportioned among the owners in proportion to their several interests.

(14.) An Order in Council vesting the control of any Maori forest in the Minister pursuant to this section may at any time be in like manner revoked or varied, save that no land the control of which has been so vested in the Minister shall be withdrawn from his control before the expiry of ten years from the date of the vesting of that control except on the recommendation of the Minister.

PART VII.

MISCELLANEOUS.

Property in forest produce not to pass till royalty paid.

60 All forest produce upon which any royalty, dues, or charges are payable under this Act or the regulations shall, until the payment thereof, remain the property of the Crown, and may be seized and detained or removed by any Forest officer until such royalties, dues, or charges have been paid, and, in default of payment within ten days of seizure, may be disposed of.

Disposal of forfeited produce.

61. Any timber or other forest produce forfeited in pursuance of this Act may be sold or otherwise disposed of as the Director may determine, and the proceeds of any such sale shall be paid into the State Forests Account.

Protection of Forest officers.

62. No matter or thing done by any Forest officer in good faith in the exercise of his powers or in the performance of his duties under this Act shall subject such officer to any personal liability in respect thereof.

Regulations.

63. The Governor-General may from time to time make regulations, not inconsistent with this Act, for all or any of the following purposes, that is to say:—

- (a.) Regulating the management of State forests, and the cutting, hewing, sawing, or other methods of conversion of timber or other forest produce:
- (b.) Prescribing the forms of licenses, leases, permits, and other authorities under this Act, and the conditions subject to which the same may be granted; and prescribing also the method by which and the conditions subject to which the same may be transferred, mortgaged, extended, determined, cancelled, surrendered, or withdrawn:
- (c.) Prescribing the procedure for the sale by auction, or by tender, or by other method, of forest produce, and enabling upset prices or minimum royalties or charges to be fixed:

- (d.) Prescribing the fees or deposits to be paid with any application or tender :
- (e.) Prescribing the amounts of rents, royalties, fees, dues, and charges payable in respect of licenses, leases, permits, and other authorities under this Act :
- (f.) Regulating the exercise of the powers conferred by licenses, leases, and permits under this Act, and any matters incidental thereto, including the protection and preservation of trees, timber, and other growth, and regulating the cutting, marking, and removal of timber and other forest produce :
- (g.) Prescribing the mode in which any forest produce is to be branded or marked, and the mode in which such brands or marks may be registered :
- (h.) Requiring the holders of leases, licenses, permits, or other authorities under this Act or under any Act hereby repealed to produce for inspection by the Director, or any person acting with the authority of the Director, all books of account, returns, and other documents connected with such lease, license, permit, or authority :
- (i.) Prescribing the books and records to be kept and the returns to be made by persons directly or indirectly taking delivery of timber or other forest produce from State forests :
- (j.) Regulating or prohibiting the lighting and use of fires within any State forest, or within the vicinity of any State forest :
- (k.) Prescribing means for the prevention or suppression of fires in State forests and fire districts, and regulating traffic in State forests :
- (l.) Authorizing Forest officers to stop, detain, or seize any forest produce within the boundaries of any State forest, or in the vicinity thereof :
- (m.) Providing for the registration of sawmills and other factories or industrial plants dependent on supplies of forest produce, and prescribing the mode of registration and the fees to be paid therefor :
- (n.) Prescribing the method of apportionment of moneys payable to Native owners under Part VI of this Act :
- (o.) Defining rights of access to and user of Macri forests by the Native owners thereof :
- (p.) Prescribing penalties for the breach of any regulation under this Act, or of the conditions of any license, lease, permit, or other authority under this Act :
- (q.) Generally for any purpose for which regulations are required or contemplated by this Act, and for giving full effect to the provisions of this Act.

64. The Minister shall in the month of April in each year, or as soon thereafter as practicable, cause to be prepared a report of all operations under this Act for the year ending on the preceding thirty-first day of March, and a copy thereof shall be laid before both Houses of Parliament within fourteen days after the receipt of Annual report.

the same by the Minister, if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.

Repeals and savings.

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

(2.) All Proclamations, Orders in Council, orders, appointments, licenses, grants, regulations, agreements, records, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation 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 operation of this Act, may be continued, completed, and enforced as if this Act had not been passed.

Schedule.

SCHEDULE.

ENACTMENTS REPEALED.

- 1908, No. 94.—The Land Act, 1908 : Section 315.
 1908, No. 184.—The State Forests Act, 1908.
 1915, No. 68.—The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915 : Section 69.
 1916, No. 7.—The Finance Act, 1916 : Section 50.
 1918, No. 4.—The Finance Act, 1918 (No. 2) : Section 32.
 1918, No. 10.—The War Legislation and Statute Law Amendment Act, 1918 : Section 34, subsections (1) to (5) inclusive.
 1919, No. 23.—The State Forests Amendment Act, 1919.
 1920, No. 83.—The Finance Act, 1920 : So much of Part III of the Schedule as relates to loans for afforestation purposes.