



## ANALYSIS

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 1973, No. 122

**An Act to amend the Forests Act 1949**

[23 November 1973]

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

**1. Short Title**—This Act may be cited as the Forests Amendment Act 1973, and shall be read together with and deemed part of the Forests Act 1949 (hereinafter referred to as the principal Act).

**2. Protection of forest land**—Section 15 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (b), the following paragraph:

“(ba) By notice in the *Gazette* set apart any State forest land for any purpose or purposes for which the Minister may acquire, use, and develop land pursuant to paragraph (b) of this subsection, and such land—

“(i) Shall be deemed to be dedicated for the purpose or purposes for which it was set apart; and

“(ii) Shall be known accordingly as an area dedicated for that purpose or those purposes; and

“(iii) Shall not be used or developed for any purpose inconsistent with that purpose or those purposes,—

and the Minister may, in like manner, vary or revoke any such setting apart:

“Provided that he shall not vary or revoke any such setting apart before he has given public notification of his intention to do so and has called for objections thereto in writing within a period of not less than 1 month after the date of that notification and has considered all such objections received within the period specified.”

**3. South Island Beech Forests Management and Utilisation Council—**(1) Section 15 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

“(3A) The Minister shall establish a Council which—

“(a) Shall be known as the South Island Beech Forests Management and Utilisation Council; and

“(b) Shall consist of the Minister or a person appointed by the Minister as Chairman, and 5 other members; and

“(c) Shall advise the Crown in respect of the management and utilisation of the beech forest resources in the South Island, after considering all aspects, including those affecting ecology, conservation, wildlife, and recreation.”

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

“(qq) Prescribing the constitution of and providing for the servicing of the South Island Beech Forests Management and Utilisation Council.”.

(3) Section 72 of the principal Act is hereby further amended by inserting in subsection (4) (as amended by section 6 of the Forests Amendment Act 1965), after the words “paragraph (q)”, the words “or paragraph (qq)”.

**4. Conversion of provisional State forest land to permanent State forest land—**(1) The principal Act is hereby amended by repealing section 18 (as amended by section

3 (1) of the Forests Amendment Act 1970) and substituting the following section:

**“18. Minister may set apart land as State forest land—**

(1) The Minister may, by notice in the *Gazette*, set apart any land vested in the Crown, and not held in trust for any purpose inconsistent with this Act, as State forest land under this Act.

“(2) All land which on the commencement of the Forests Amendment Act 1973 is permanent State forest land or provisional State forest land shall be deemed to be State forest land under this Act.

“(3) Where any land was reserved as national-endowment land and was comprised in any State forest immediately prior to the passing of the Land Laws Amendment Act 1939, nothing in section 7 of that Act shall be deemed to have made that land become ordinary Crown land subject to the Land Act 1924, or cease to be State forest.

“(4) All land proclaimed as a forest reserve prior to the 4th day of August 1908, and which at the coming into force of this Act is vested in the Crown and not held in trust for any purpose inconsistent with this Act, shall be deemed to be State forest land under this Act.

“(5) All references to State forests, or to permanent State forests or provisional State forests, or to permanent State forest land or provisional State forest land 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 State forest land.”

(2) Section 2 of the principal Act is hereby amended by repealing the definition of the expression “State forest land”, and substituting the following definition:

“‘State forest land’ means land set apart as State forest land under this Act:”.

(3) The principal Act is hereby consequentially amended by omitting from—

- (a) Subsection (4) of section 15; and
- (b) Subsection (1) of section 19; and
- (c) Subsection (2) of section 20; and
- (d) Subsection (2) of section 22; and
- (e) Paragraph (a) of subsection (1) and subsection (2) of section 63A (as inserted by section 5 of the Forests Amendment Act 1965)—

the words "permanent State forest land", and substituting in each case the words "State forest land".

(4) The principal Act is hereby consequentially amended by repealing—

(a) Subsection (2) of section 19 (as amended by section 3 (2) of the Forests Amendment Act 1970):

(b) The proviso to paragraph (a) of subsection (2) of section 32:

(c) Paragraph (b) of subsection (1) of section 63A (as so inserted).

(5) The Forests Amendment Act 1970 is hereby consequentially amended by repealing subsections (1) and (2) of section 3.

**5. Metrication**—The principal Act is hereby amended by omitting from—

(a) Subsection (2) of section 43; and

(b) Paragraphs (j), (l), (n), and (o) of subsection (1) of section 72,—

the words "one mile", and substituting in each case the words "1.5 kilometres".

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This Act is administered in the New Zealand Forest Service.

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