

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 26 August 1954.

Words struck out by Local Bills Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

Mr Roy

BALCLUTHA BOROUGH (FORESTRY) EMPOWERING

[LOCAL BILL]

ANALYSIS

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2. Empowering provisions.	7. Destination of proceeds.
3. Council empowered to carry on sawmilling operations, etc.	8. Forest and Rural Fires Act 1947 not to be limited.

A BILL INTITULED

AN ACT to confer powers on the Balclutha Borough Council in respect of forestry and afforestation operations. Title.

5 WHEREAS many years ago the Balclutha Borough Council (hereinafter called the Council) planted timber trees on [*land belonging to*] a public reserve vested in the Mayor, Councillors, and Burgesses of the Borough of Balclutha: And whereas such plantations are now
10 reaching the stage of development when it is desirable to fell the trees therein and mill the timber resulting therefrom and market the same: And whereas it is desirable to confer certain additional powers upon the Council in relation to afforestation matters: Preamble.

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

Short Title.

1. This Act may be cited as the Balclutha Borough (Forestry) Empowering Act 1954.

Empowering provisions.

2. Subject to the provisions of this Act, the Council is hereby empowered to do all or any of the following things:

- (a) To purchase, lease, [*take pursuant to section fifteen of the Public Works Act 1928,*] or otherwise acquire any area or areas of land, either with or without improvements, or any interest therein which the Council may deem it desirable to hold for afforestation purposes or other purposes incidental thereto:

New

Provided that no land which in the opinion of the Minister of Lands is or should be used exclusively or principally for agricultural purposes, as defined in subsection one of section two of the Land Settlement Promotion Act 1952, shall be purchased, leased, or otherwise acquired for such purposes as aforesaid:

- (b) To carry on the business of forestry, afforestation, and the nursery production of forest trees, whether indigenous or exotic:
- (c) To cut down, remove, recover, and sell by private sale, tender, or auction any trees, timber, or firewood on or from any existing plantation the property of the [*Council*] Corporation or on or from any area or areas hereafter acquired pursuant to the authority hereinbefore granted:
- (d) To recover from the trees, timber, or wood or any other like thing by any process whatsoever any products capable of being put to commercial use or profit or to any scientific or other useful purpose, and to sell such articles and things:
- (e) To purchase any [*tree, seeds, or*] tree-seeds or nursery stock necessary for the aforesaid business and to recover and sell tree-seeds and other forest products from the trees grown by the Council:

(f) To take all steps which in the opinion of the Council may be necessary or desirable for the prevention or control of fire, including for that purpose the purchase of sheep and cattle and the proper care and maintenance of the same:

(g) To enter into any contract or agreement for the carrying out of the purposes of this Act.

3. The Council may for the purposes of this Act establish and carry on any operations or industry relative to the felling, cutting, extraction, removal, conversion, manufacture, transport, distribution, or sale of timber, forest produce, or finished products derived from forest produce, and may construct, purchase, rent, lease, or hire any buildings, machinery, or plant required in connection therewith.

Council empowered to carry on sawmilling operations, etc.

New

3A. (1) The Council shall from time to time cause working plans to be prepared for all land under the control of the Council which is for the time being appropriated to forestry purposes.

Working plans.

(2) Every such working plan shall, subject to the rights existing when the plan comes into operation, and subject to the provisions of this Act, regulate the management of the land described in the plan for such period, not exceeding twenty years, as may be stated in the plan.

(3) Every such working plan shall specify, with respect to the period thereof,—

(a) The silvicultural operations to be carried out:

(b) The maximum area from which forest produce may be disposed of or the maximum quantity of forest produce that may be disposed of, or both, as the Council thinks fit:

(c) The protection and development operations to be carried out:

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

(4) Every working plan shall be subject to the approval of the Minister of Forests, and, when so approved, shall have effect according to its tenor from a date specified therein, and shall not be altered except by the Minister at the request of the Council.

(5) The Council shall, within one year after the passing of this Act, or within such extended period as the Minister of Forests may allow, prepare a general forest working plan of future operations in respect of a period of not less than five years. The plan shall specify fully the silvicultural operations proposed to be carried on during the currency of the plan, and all other matters necessarily connected with forestry operations. 5

(6) It shall not be lawful for the Council to carry on such silvicultural operations as aforesaid until the plan has been approved by the Minister of Forests, and all such operations shall be carried on according to the plan as so approved. 10

(7) In the month of June in each year the Council shall send to the Minister of Forests a report for the year ending on the thirty-first day of March then last past specifying full particulars of the technical operations and of the administration of all land used for the purposes of this Act; and shall at the same time submit a plan of operations and management for the ensuing year, which shall take effect on being approved by the Minister. 15 20

Power to grant licences to work timber.

4. The Council may from time to time, subject to the provisions of this Act and of any working plan for the time being in force thereunder, grant licences and permits to take forest produce from any land to which this Act applies or to occupy any such land for any purpose which in the opinion of the Council is not prejudicial to forestry operations, upon and subject to such terms and conditions whether as to royalties, charges, or otherwise as the Council thinks fit. 25 30

Power to enact by-laws.

5. The Council may from time to time make such by-laws as it thinks fit for the purpose of regulating the subject matter of this Act, and in particular for protecting from damage, injury, or misappropriation any property, whether real or personal, belonging to the Corporation or controlled by the Council for the purposes of this Act, whether within or beyond the Borough of Balclutha. 35

Struck out

6. The Council may by special order and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act 1926 raise a special loan for any of the purposes hereinbefore mentioned:
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Borrowing powers.

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10 The Council may raise a special loan under the Local Bodies' Loans Act 1926 for any of the purposes hereinbefore mentioned:
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7. All the proceeds resulting from the sale of trees, timber, firewood, or other forest products under the powers hereinbefore contained shall be paid into such account of the Council as may be appropriate, and all expenditure incurred in carrying out the objects of this Act shall be debited against such account.
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25 The operations of the Council under this Act shall be deemed to be a trading undertaking within the meaning and for the purposes of Part XI of the Municipal Corporations Act 1933, and the provisions of that Part shall apply accordingly.
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Operations of Council to be trading undertaking.

8. Nothing in this Act shall be construed to limit or affect in any way the provisions of the Forest and Rural Fires Act 1947 or the Forests Act 1949 or any other enactment.
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Other enactments not affected.