

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]
House of Representatives, 22nd September, 1949.

Mr. Connolly

DUNEDIN CITY (~~AFFORESTATION~~) *FORESTRY*
EMPOWERING

[LOCAL BILL]

ANALYSIS

Title.	2. Power to acquire land and to carry on business of forestry.
Preamble.	3. By-laws.
1. Short Title.	4. Borrowing-powers.
	5. Revenue.

A BILL INTITULED

AN ACT to Empower the Dunedin City Council to Engage in Forestry Operations. Title.

WHEREAS for many years past the Dunedin City Council (hereinafter called the Council) has adopted a policy of planting timber-trees on land belonging to the Mayor, Councillors, and Citizens of the City of Dunedin: And whereas many of the Council's plantations have now reached 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.

2 *Dunedin City (~~Afforestation~~) Forestry Empowering*

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 Dunedin City (~~Afforestation~~) *Forestry Empowering Act, 1949.* 5

Power to acquire land and to carry on business of forestry.

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

- (ia) To purchase, lease, take ~~under~~ *pursuant to section fifteen of the Public Works Act, 1928,* or otherwise acquire any area or areas of land, or any interest therein, which the Council may deem it desirable to hold for afforestation purposes or other purposes incidental thereto: 10
- (iib) To carry on the business of forestry, afforestation, and the nursery production of forest trees, whether indigenous or exotic: 15
- (iic) 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 Corporation or on or from any area or areas hereafter acquired pursuant to the authority hereinbefore granted: 20
- (ivd) 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: 30
- (ve) To purchase any 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: 35
- (vif) 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. 40
- (g) *To enter into any contract or agreement for the carrying-out of the purposes of this Act.*

New

- 5 2A. 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. Power to carry on related industries.
- 10 2B. (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.
- 15 (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.
- 20 (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:
 - 25 (c) The maximum quantity of forest produce that may be disposed of:
 - (d) The protection and development operations to be carried out:
 - (e) Such other matters as the Council thinks fit.
- 30 (4) Every working plan shall be subject to the approval of the *Commissioner of State 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 *Commissioner* at the request of the
- 35 Council.
- 40 (5) The Council shall, within one year after the passing of this Act, or within such extended period as the *Commissioner of State 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.

4 *Dunedin City (Afforestation) Forestry Empowering*

New

(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 *Commissioner of State Forests*, and all such operations shall be carried on according to the plan as so approved. 5

(7) In the month of June in each year the Council shall send to the *Commissioner of State 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 *Commissioner*. 10 15

Licences and permits.

2c. 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. 20

By-laws.

3. 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 City of Dunedin. 25 30

Borrowing-powers.

4. 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: 35

Provided, however, that the Council shall not be empowered to borrow a greater sum than twenty thousand pounds (£20,000) pursuant to the authority hereby granted.

Struck out

5. All revenues resulting from the sale of trees, timber, firewood, or other forest products under the powers hereinbefore contained shall be applied by the Council in furtherance of the objects of this Act or otherwise as the Council may from time to time determine.

Revenue.

New

5A. All the proceeds resulting from the sale of trees, timber, firewood, or other forest products under the powers hereinbefore contained shall be paid into the Water Department Account or the Electricity Department 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 one of those accounts as may be appropriate.

Revenue and expenditure.

5B. 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 any other enactment.

Saving as to other enactments.