

TIMBER FLOATING BILL

EXPLANATORY NOTE

THIS Bill re-enacts with modifications the provisions of the Timber Floating Act 1908, which regulates the floating, rafting, and driving of logs, timber, and other substances on rivers, streams, and creeks.

The most important new provisions of the Bill are those dealing with the removal from rivers of derelict logs, of which there are considerable numbers in some rivers, especially in the North Auckland area. Many of these logs have lain in these rivers for many years and their present owners are unknown, and the purpose of these provisions of the Bill is to enable them to be removed, partly to clear the river channels and partly to salvage the timber in those logs.

A further change made is the transfer of the administration of the Bill from the Department of Lands and Survey to the New Zealand Forest Service. When the present Act was passed there was no New Zealand Forest Service, and the functions of that service were exercised by the Department of Lands and Survey.

In addition, the Bill simplifies the procedure for the granting of timber floating licences by omitting some of the details set out in the present legislation, and leaves these matters to the discretion of the Minister of Forests.

Clause 3 sets out the procedure for applying for timber floating licences. Under the existing legislation, licences are granted only in respect of rivers, streams, and creeks to which the present Act is applied by notice in the *Gazette*, but this Bill applies to all rivers, streams, and creeks. The procedure is largely left to the Minister of Forests, instead of being set out in detail in the Bill itself. The existing provision requires notice of the application for a licence to be given to all the owners, lessees, and occupiers of lands along the banks of the rivers, streams, and creeks intended to be used. This clause contains a new provision whereby the Minister of Forests can dispense with this notice in cases where, by reason of the length of those rivers, streams, and creeks and the large number of owners, lessees, and occupiers, it would be inexpedient or impracticable to give individual notice to all of them. In such a case the newspaper advertisement which must be given in all cases would be notice to these persons.

Clause 4 re-enacts without substantial modification the existing provisions as to objections to applications for licences, but gives rights of objection to Departments controlling lands of the Crown affected and to the Catchment Board, where the river, stream, or creek intended to be used is within a catchment district, and to the Soil Conservation and Rivers Control Council in any other case.

Clause 5 re-enacts without modification the existing provisions requiring licensees to give a bond for payment of damages.

Clause 6 re-enacts the existing provisions as to the effect of a timber floating licence, and contains new provisions in *subclauses* (2) and (4) that the licensee must comply with the Catchment Board by-laws and must so construct all booms and other constructions (other than dams) as to permit as far as practicable the passage of silt and shingle.

Clause 7 re-enacts the existing provision that licences obtained by fraud or misrepresentation are to be void.

Clause 8 is a new provision, and permits the transfer of licences with the consent of the Minister.

Clause 9 is a new provision, and provides for the extension of licences for a period not exceeding two years.

Clause 10 is a new provision, and requires licensees to brand or mark timber before depositing it in any river, stream, or creek, and makes it an offence for any person to deface or obliterate any such brand or mark.

Clauses 11 to 15 re-enact without substantial modification the existing provisions providing for payment to owners of compensation for damage done by the rafting, floating, or driving of timber under any licence, except that the claims are to be made in accordance with the usual procedure of the Magistrate's Court and the provision for the appointment of Assessors has been omitted.

Clause 16 also re-enacts without substantial modification the existing provisions as to the laying down of booms in navigable waters.

Clause 17 is a new provision, and provides for the removal of derelict timber from rivers, streams, and creeks. Where any timber which has been floated under any licence remains in the river, stream, or creek after three months from the expiration of the licence, the Conservator may give the licensee one month's notice in writing to remove it. Where any timber which has been floated, rafted, or driven on any river, stream, or creek before the passing of the Bill remains in that river, stream, or creek at the expiration of three months after the passing of the Bill, the Conservator may give to the owner, if he is known, three months' notice in writing to remove it or, if the owner is unknown, call upon him by newspaper advertisement to establish his ownership, and thereafter to remove the timber within a time fixed by the Conservator. If the timber is not removed within these periods the Minister may then declare it to be forfeited to the Crown and the timber will then become the property of the Crown. It may thereupon be removed from the river, stream, or creek and disposed of by the Conservator or he may authorize the Catchment Board to remove and sell it or he may sell it for removal.

Clause 18 authorizes servants of the Conservator or of the Catchment Board or persons to whom any timber has been sold for removal to enter upon private land for the purpose of removing the timber and of conveying it across that land. The person desiring to enter must give to the occupier not less than fourteen days' notice of his intention to enter on the land, and the occupier may then object to the Minister against the right of entry being exercised. On any such objection the Minister may postpone the date of entry or, in any case where he is satisfied that other reasonably practicable means of removal of the timber are available, prohibit the entry, or he may confirm the right of entry subject to conditions reasonably necessary for the protection of the occupier or the land or any improvements thereon or any stock depasturing thereon.

Clause 19 is intended to clarify the position regarding the ownership of timber which has drifted on to private land and is on that land at the date of the passing of the Bill. The clause declares that if it is still on the land at the expiration of six months after the passing of the Bill it will become the property of the owner of the land. The clause also declares that any timber which hereafter floats on to private land and remains there for six months will become the property of the owner of the land at the expiration of that period.

Clause 20 re-enacts the existing provision that a timber floating licence does not authorize the licensee to interfere with public works, and extends these provisions to river protection works.

Clause 21 re-enacts the existing provision that licensees have no claim against the Crown in respect of any loss or damage accruing from the grant or extension of any licence or the refusal of any licence or extension.

Clause 22 re-enacts the existing provision making it an offence to float, raft, or drive timber on any river, stream, or creek except under the terms of a licence.

Clause 23: Subclause (1) is a new provision, and makes it an offence for a licensee who causes any timber to become sunken, stranded, or derelict or allows any silt, shingle, tree heads, branches, or other debris to accumulate so as to obstruct a river, stream, or creek to fail to remove it within one month after being called upon by the Conservator to do so. *Subclause (2)* re-enacts the existing provisions as to causing obstructions in rivers, streams, and creeks.

Clause 24 re-enacts the existing provisions as to penalties.

Clause 25 is new, and provides for the cancellation or suspension of licences on default by the licensee or on the conviction of a licensee for an offence under the Bill.

Clause 26 sets out the manner in which notices and objections are to be given and served, *clause 27* authorizes the making of regulations, and *clause 28* provides for repeals and savings.

References to the present legislation are given in the margin of the Bill.

Hon. Mr Corbett

TIMBER FLOATING

ANALYSIS

Title.	<i>Laying of Booms in Navigable Waters</i>
1. Short Title.	16. Booms in navigable waters.
2. Interpretation.	
	<i>Derelict Timber</i>
<i>Timber Floating Licences</i>	17. Derelict timber in rivers, streams, and creeks.
3. Licences to float timber.	18. Access to private land for removal of derelict timber.
4. Objections to application.	19. Derelict timber on private land.
5. Bond for payment of damage.	
6. Effect of licence.	<i>Miscellaneous</i>
7. Licence obtained by fraud or misrepresentation to be void.	20. No interference with public works.
8. Transfer of licence.	21. No redress against the Crown.
9. Extension of licence.	22. Floating timber, etc., without licence.
10. Timber to be marked.	23. Obstructing rivers.
	24. Penalties.
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11. Licensee to avoid damage.	26. Service of notices and objections.
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A BILL INTITULED

AN ACT to make better provision for the use of rivers, streams, and creeks for floating timber. Title.

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

No. 54—1

- Short Title. 1. This Act may be cited as the Timber Floating Act 1954.
- Interpretation. 2. In this Act, unless the context otherwise requires,—
- 1949, No. 19 “Conservator” means the Conservator of Forests appointed under the Forests Act 1949 for the conservancy in which is situated the river, stream, or creek affected by the subject matter: 5
- “Licence” means a licence under this Act to float, raft, or drive timber; and “licensee” has a corresponding meaning: 10
- “Minister” means the Minister of Forests:
- “Private land” means any land held in fee simple by any person other than Her Majesty the Queen; and includes any Crown land held on lease or licence under the Land Act 1948 or any former Land Act: 15
- 1948, No. 64 “Timber” includes trees when they have fallen, or have been felled, and whether sawn, hewn, split, or otherwise fashioned.

Timber Floating Licences 20

Licences to float timber. 1908, No. 191, s. 3 (a)–(d)

3. (1) No person shall float or raft or drive any timber on any river, stream, or creek, unless he is the holder of a licence under this Act authorizing him to float, raft, or drive timber on that river, stream, or creek.
- (2) Any person desirous of using any river, stream, or creek for the purpose of floating or rafting or driving any timber may apply to the Conservator for a licence so to do. The following provisions of this subsection shall apply with respect to every such application, namely: 25
- (a) The application shall be lodged with the Conservator for submission to the Minister: 30
- (b) The application shall be in a form approved by the Minister and provided by the Conservator, and shall contain such information as the Minister requires, either generally or in any particular case: 35
- (c) Notice of the application in a form approved by the Minister and provided by the Conservator and containing such information as the Minister requires, either generally or in any particular case, shall be served on— 40

(i) The Department of State having the control of any land of the Crown along the banks of the rivers, streams, and creeks intended to be used:

5 (ii) The owners, lessees, and occupiers of all other lands along the banks of the rivers, streams, and creeks intended to be used:

10 Provided that in any case where the Minister considers that, having regard to the length of those rivers, streams, and creeks and to the large number of owners, lessees, and occupiers, it is inexpedient or impracticable to serve the notice on all those owners, lessees, or occupiers, he may in his discretion dispense in whole or in part with service of the notice in accordance with the provisions of this subparagraph:

15 (iii) The Secretary for Marine, in any case where it is intended to use any navigable waters:

20 (iv) The Catchment Board, if any river, stream, or creek intended to be used is within a catchment district, and the Soil Conservation and Rivers Control Council in any other case:

25 (d) The applicant shall advertise his application in such form and in such one or more newspapers circulating in the locality as the Conservator requires:

30 (e) A copy of the notice specified in paragraph (c) of this subsection shall be signed by the applicant or by some other person duly authorized to sign on his behalf, and shall be lodged with the Conservator together with a statutory declaration by the applicant or other authorized person as aforesaid to the effect that all notices required to be served on any person under that paragraph have been duly served, and specifying the dates on which service was effected, and that the application was duly advertised in accordance with paragraph (d) of this subsection, and the Conservator may require such other proof of service or advertisement as he thinks fit.

Objections to
application.
1908, No. 191,
s. 3 (e)-(h)

4. (1) The following persons shall, by notice served on the Conservator setting out the grounds of the objection, be entitled to object to the granting of any application for a licence under this Act, namely:
- (a) The Permanent Head of any Department of State having the control of any land of the Crown on the bank of any river, stream, or creek the subject of the application: 5
 - (b) The owner, lessee, or occupier of any other land on the bank of any such river, stream, or creek: 10
 - (c) The Secretary for Marine, in any case where the application relates to any navigable waters:
 - (d) The Catchment Board, if any river, stream, or creek intended to be used is within a catchment district, and the Soil Conservation and Rivers Control Council in any other case: 15
 - (e) Any other person who considers that he would be injuriously affected by the granting of the application.
- (2) Every such objection shall be served on the Conservator within fourteen days after service on the objector of the notice under paragraph (c) of subsection *two* of section *three* of this Act, or, in the case of any objector who has not been served with any such notice, within fourteen days after the last publication of the advertisement under paragraph (d) of that subsection, or within such extended period as the Minister may in any case allow. 20
- (3) Every such objection shall be in a form approved by the Minister and provided by the Conservator, and shall contain such information as the Minister requires, either generally or in any particular case. 30
- (4) The objector shall serve on the applicant a copy of the objection.
- (5) The Conservator shall refer all such objections to the Minister, and the Minister shall be the sole judge of their validity. 35
- (6) The Minister shall take due note of all valid objections when considering any application and may refuse the application or grant it either unconditionally or upon such terms and conditions and for such period as he thinks fit. 40
- (7) The decision of the Minister on any application for a licence and on any objection to the granting of any such application shall be final. 45

5. Before issuing any licence the Minister shall require the licensee and two sufficient sureties approved by the Minister to enter into a bond in the prescribed form to Her Majesty the Queen conditioned for the payment from

5 time to time of the damages, expenses, and costs that may be recovered against the licensee under the provisions of this Act, and Her Majesty may sue upon or assign the bond, and in that case the assignee may sue upon the bond.

Bond for
payment of
damage.
1908, No. 191,
s. 4

10 6. (1) Every licence shall be in the prescribed form, and shall entitle the licensee, either by himself or his servants or workmen,—

Effect of
licence.
1908, No. 191,
s. 5

15 (a) To raft, float, or drive timber down and along the course of any river, stream, or creek named or described in the licence, and to construct any dam, boom, or other device necessary for the purpose and approved by the Minister:

20 (b) To enter upon any land and remove therefrom any timber that may have become deposited on that land by the floating, rafting, or driving or through any overflow of the waters of any such river, stream, or creek.

(2) Nothing in any licence shall be deemed to authorize the licensee to do any act in contravention of

25 any by-laws for the time being in force of the Catchment Board within whose district is situated any river, stream, or creek to which the licence relates.

(3) No licensee shall be deemed to be a trespasser by entry on any such land under the authority hereby

30 granted, but he shall nevertheless be liable to pay for any injury or damage done to the land or to any pasture, buildings, fences, or other improvements thereon caused by the removal of the timber.

(4) The licensee shall so construct all booms and

35 other constructions (other than dams) under his licence as to permit as far as practicable the passage of silt and shingle, and if he fails to do so he commits an offence against this Act.

7. Where the Minister is satisfied that any licence was

40 obtained by fraud or misrepresentation, he may declare the licence to be void, and thereupon the licence shall be deemed to have been void as from the date of the granting thereof.

Licence
obtained by
fraud or mis-
representation
to be void.
1908, No. 191,
s. 3 (n)

Transfer of
licence.

8. (1) The licensee shall not transfer or otherwise dispose of his licence without the consent of the Minister.

(2) The Minister shall at all times have power in his discretion to refuse any application for consent to the transfer or to grant his consent subject to such conditions as he thinks fit. 5

Extension of
licence.

9. (1) The Minister may in his discretion, on application by the licensee, grant an extension of any licence for such period, not exceeding two years, and subject to such conditions as he thinks fit. 10

(2) Before granting any such application, the Minister may require the licensee to give such notice to such persons and publish such advertisements in one or more newspapers as the Minister thinks fit.

(3) A bond given under section *five* of this Act may, if so provided therein, enure not only during the original term of the licence, but during the term of any extension of the licence granted under this section. 15

(4) If any such bond is so given as to enure in respect of the extension of a licence, it shall be lawful for a surety, by notice in writing served on the Conservator, at any time before the granting of an extension of the licence, to determine his liability under the bond in respect of any act or default that may be done or made after the expiration of the current term of the licence, and in any such case the Minister shall not grant an extension of the licence until another approved bond has been lodged with the Conservator by the licensee. 20

Timber to be
marked.

10. (1) Before depositing any timber in any river, stream, or creek under his licence, the licensee shall mark the timber with a brand or mark approved by the Conservator and in such manner as the Conservator directs. 30

(2) Every licensee commits an offence against this Act who commits a breach of subsection *one* of this section. 35

(3) Every person commits an offence against this Act who defaces or obliterates any brand or mark placed on any timber by the licensee pursuant to this section.

Compensation for Damage 40

Licensee to
avoid damage.
1908, No. 191,
s. 6

11. In the exercise of the powers conferred by his licence the licensee and his servants or workmen shall not injuriously interfere with the ordinary navigation of any river, stream, or creek; and shall do, permit, or suffer, or cause to be done, permitted, or suffered, as little injury 45

or damage as possible to the lands on the banks or along the course of any river, stream, or creek, or to any river works thereon.

5 **12.** The licensee shall be liable to pay to the owners and occupiers of lands on the banks or along the course of any river, stream, or creek or of any river works thereon compensation in damages for any actual injury or damage done, permitted, or suffered in the exercise of any of the powers granted by this Act.

Compensation for damage. 1908, No. 191, s. 7

10 **13.** The remedy of the owners and occupiers of lands on the banks or along the course of any river, stream, or creek or of any river works thereon for any injury or damage which they or any of them may sustain by reason of the exercise of any of the powers granted by the licence shall be in damages only, and shall not extend beyond the amount in value of injury or damage actually proved to have been done, permitted, or suffered as aforesaid.

Limitation of compensation. 1908, No. 191, s. 8

15 **14.** Any claim for damages as aforesaid may be sued for and recovered in the nearest Magistrate's Court, whether or not the amount of the claim exceeds the ordinary jurisdiction of that Court.

Claims to be decided by Magistrate's Court. 1908, No. 191, s. 9

20 **15.** Notwithstanding anything in this Act or any licence issued thereunder, the licensee shall be liable to pay the full cost of the repair or reconstruction of any bridge or other construction or erection whatever or of any river work which may be damaged or destroyed by the rafting, floating, or driving of any timber in the exercise of the powers conferred by his licence; and that cost shall be recoverable as a debt owing by the licensee to the person or authority having the control thereof.

Full damages to be paid for property destroyed. 1908, No. 191, s. 12

Laying of Booms in Navigable Waters

35 **16.** (1) The laying down of booms in navigable waters for the security of timber shall be deemed to be a harbour work within the meaning of the Harbours Act 1950, and nothing in this Act or in any licence issued under this Act shall authorize the laying of booms or the construction of any work whatever in any navigable or tidal waters except in conformity with the Harbours Act 1950.

Booms in navigable waters. 1908, No. 191, s. 13 1950, No. 34

(2) All the provisions of the last mentioned Act in relation to harbour works shall apply to the laying down of any such booms, and for this purpose the licensee shall have the powers conferred by that Act on a Harbour Board for the construction of harbour works as if references in that Act to a Harbour Board were references to the licensee. 5

1950, No. 34 (3) The Governor-General in Council shall have power under the Harbours Act 1950 to authorize the laying down of booms in navigable waters by any Harbour Board, local authority, or person in the same manner as he is empowered to authorize the construction of harbour works by sections one hundred and seventy-six to one hundred and eighty-one of that Act, subject to such conditions and to such preliminary notices being given to all persons whose interests are likely to be affected thereby as he thinks fit. 10 15

(4) The Minister of Marine shall have the same powers, authorities, duties, and privileges in respect of booms laid down in navigable waters by any person as are respectively granted to him by the aforesaid sections in respect of any harbour work constructed by a Harbour Board. 20

(5) Every holder of a licence under this Act who under due authority has laid down any boom in navigable waters shall forthwith on the expiration of the licence and at his own cost remove that boom, and if he fails to do so the same may be removed by authority of the Minister of Marine under section one hundred and eighty-two of the Harbours Act 1950. 25 30

(6) Every person who is authorized to lay down booms for the purposes aforesaid shall be liable to pay compensation as provided by section *twelve* of this Act for any damage or destruction caused by the negligent construction or insufficient repair thereof or by the breaking or carrying away thereof from any cause whatsoever. 35

Derelict Timber

17. (1) Where any timber (being timber that has been floated, rafted, or driven on any river, stream, or creek pursuant to a licence granted under this Act or granted under the Timber Floating Act 1908 and current at the passing of this Act) remains in that river, stream, or creek after three months from the expiration of the term of the licence or of any extension thereof, the Conservator may give to the licensee not less than one month's notice in writing calling upon him to remove the timber.

Derelict timber in rivers, streams, and creeks.

See Reprint of Statutes, Vol. VIII, p. 724

(2) Where any timber (being timber that has been floated, rafted, or driven on any river, stream, or creek pursuant to a licence granted under the Timber Floating Act 1908 that has expired before the passing of this Act) remains in that river, stream, or creek at the expiration of three months after the passing of this Act, the Conservator may,—

(a) If the owner of the timber is known to the Conservator, give to the owner not less than three months' notice in writing calling upon him to remove the timber; or

(b) If the owner of the timber is not known to the Conservator, publish twice in a newspaper circulating in the locality a notice calling upon the owner to establish his ownership of the timber to the satisfaction of the Conservator within three months after the date of the second publication of the notice, and thereafter the Conservator may require him to remove the timber within a time specified by the Conservator.

(3) If the timber still remains in the river, stream, or creek—

(a) At the expiration of the period specified in any notice given under subsection *one* of this section or under paragraph (a) of subsection *two* of this section; or

(b) At the expiration of the period specified in any notice advertised under paragraph (b) of subsection *two* of this section, in any case where no person has established his ownership of the timber to the satisfaction of the Conservator within that period; or

- (c) At the expiration of the period specified by the Conservator, in any case where the owner has established his ownership to the satisfaction of the Conservator within the period specified in paragraph (b) of subsection *two* of this section,— 5

the Minister may at any time thereafter declare the timber to be forfeited to the Crown, and the timber shall thereupon become the property of the Crown accordingly. 10

(4) Where any timber becomes the property of the Crown as aforesaid, the Conservator may—

(a) Remove the timber from the river, stream, or creek; or

(b) Authorize the Catchment Board within whose district the river, stream, or creek is situated to remove the timber therefrom; or 15

(c) Sell the timber for removal at such price and on such terms and conditions as he thinks fit.

(5) The proceeds of the sale by the Conservator of any timber forfeited to the Crown under this section, whether as purchase money or royalties or otherwise, shall be paid into the Public Account to be credited to such fund or account as may be determined from time to time by the Minister of Finance. 20 25

(6) The Catchment Board may sell any timber removed by it from any river, stream, or creek under the authority of this section, and the proceeds of the sale shall form part of the funds of the Board.

(7) The Crown or the Conservator or the Catchment Board, as the case may be, shall not be liable to account to the licensee or the former owner of the timber or any other person for any part of the proceeds of any timber sold under the provisions of this section. 30

(8) The Crown or the Catchment Board, as the case may be, shall be entitled to recover from the licensee or, as the case may be, the former owner of any timber removed from any river, stream, or creek under the provisions of this section the amount by which the cost of removal exceeds the value of the timber. 35 40

(9) For the purposes of this section, where any timber remains at the passing of this Act in any river, stream, or creek (not being timber which has been floated, rafted, or driven thereon pursuant to a licence granted under the

Timber Floating Act 1908 and current at the passing of this Act) that timber shall be deemed to have been rafted, floated, or driven thereon pursuant to a licence granted under the Timber Floating Act 1908.

See Reprint of Statutes, Vol. VIII, p. 724

5 18. (1) Subject to the provisions of subsections *three* and *four* of this section, any person authorized by the Conservator or, as the case may be, by the Catchment Board or, in any case where any timber has been sold by the Conservator under section *seventeen* of this Act, 10 the purchaser of the timber or any person authorized by him may enter from time to time upon any private land, with such assistants as he thinks fit and with or without horses, machinery, and vehicles, for the purpose of removing from any river, stream, or creek any timber 15 forfeited to the Crown under section *seventeen* of this Act and of conveying it across that land, without being in any way liable for trespass.

Access to private land for removal of derelict timber.

(2) Before entry the person so authorized by the Conservator or the Catchment Board or, as the case may 20 be, the purchaser of the timber or the person so authorized by him, shall give not less than fourteen clear days' written notice to the occupier of the land of his intention to enter upon the land, and shall, if required by the occupier, produce and show the authority under which 25 he claims to enter, or has entered, on the land.

(3) The occupier of the land may, at any time within fourteen days after the service on him of the notice referred to in subsection *two* of this section, object to entry 30 being made on the land under the provisions of this section by notice in writing setting out the grounds of the objection and served on the Conservator. The Conservator shall refer the objection to the Minister for his decision, and pending the decision of the Minister thereon no person shall be entitled to enter on the land under 35 the provisions of this section.

(4) The Minister shall consider the objection, and may in his discretion—

(a) Direct that the right of entry conferred by this 40 section shall not be exercised until a date to be agreed upon between the occupier and the person seeking to enter on the land or, in default of agreement, until a date fixed by the Minister; or

- (b) In any case where the Minister is satisfied that it is reasonably practicable to remove the timber without entering upon the land of the occupier, direct that no person shall be entitled to enter upon the land under the provisions of this section; or 5
- (c) Confirm the right of entry, subject to such conditions as the Minister considers reasonably necessary for the protection of the occupier or the land or any improvements thereon or any stock depasturing thereon,— 10

and the decision of the Minister shall be final and shall have effect according to its tenor.

(5) The Minister or, as the case may be, the Catchment Board or the purchaser of the timber shall repair and make good all damage to the land or any improvements thereon caused by the servants or agents of the Conservator or, as the case may be, of the Catchment Board or by the purchaser or his servants or agents in the removal and conveyance of any timber across the land under the powers conferred by this section. 15 20

Derelict timber
on private land.

19. (1) Where—

- (a) Before the passing of this Act any timber has been floated, rafted, or driven on any river, stream, or creek (whether pursuant to a licence under the Timber Floating Act 1908 or not) and has floated on to or been deposited upon any private land and remains on that land at the expiration of six months from the passing of this Act; or 25 30
- (b) After the passing of this Act any timber is floated, rafted, or driven on any river, stream, or creek (whether pursuant to a licence under this Act or not) and floats on to or is deposited upon any private land and remains on that land for a period of six months,— 35

that timber shall at the expiration of that period be deemed to have ceased to belong to the person by or on whose behalf it was so floated, rafted, or driven and to have become the property of the owner of that private land. 40

(2) In this section the term "owner", in relation to—

5 (a) Any Crown land held on any lease within the meaning of section one hundred and twenty-two of the Land Act 1948 or on any deferred payment licence under that Act; or 1948, No. 64

10 (b) Any land comprised in an endowment or reserve vested in any corporate body or person and administered by the Land Settlement Board and held on lease with perpetual right of renewal, absolute or conditional; or

15 (c) Any land held on lease granted under the Hammer Crown Leases Act 1928 with perpetual right of renewal, absolute or conditional,— See Reprint of Statutes, Vol. IV, p. 855

means the lessee or licensee of the land.

Miscellaneous

20 20. Nothing in this Act shall interfere with the rights of the Crown, the Minister of Works, or other public authority having the power or duty of constructing public works within or along the boundaries or of protecting the banks of any river, stream, or creek or of regulating the flow thereof or of the floodwaters therefrom, to construct and maintain any works within the limits of its or his 25 jurisdiction across or along the course of any such river, stream, or creek; and, if the exercise of any power granted by any licence issued under this Act injuriously affects or is otherwise inconsistent with the construction, maintenance, or necessary use of any such work, then that 30 power shall to that extent absolutely cease and determine to all intents and purposes whatsoever.

35 21. Nothing in this Act shall entitle any licensee to any claim against the Crown or the public revenues of New Zealand for compensation in respect of any loss or damage accruing to the licensee or any other person whomsoever by the grant or extension of any such licence or by the refusal of any licence or of any extension thereof.

40 22. (1) Every person commits an offence against this Act who, without being the holder of a licence under this Act duly authorizing the same, floats, rafts, or drives, or causes to be floated, rafted, or driven, either by himself or his servants or workmen, any timber down or along

No interference with public works. 1908, No. 191, s. 14 (a)

No redress against the Crown. 1908, No. 191, s. 14 (b)

Floating timber, etc., without licence. 1908, No. 191, s. 15

the course of any river, stream, or creek, or who, without special authority in that behalf in any licence, constructs thereon any dam in any place where none previously existed.

(2) The provisions of this section are without prejudice to all the rights and remedies conferred by this Act on the owners, lessees, and occupiers of lands on the banks or along the course of any river, stream, or creek. 5

Obstructing
rivers.
1908, No. 191,
s. 16

23. (1) Every licensee commits an offence against this Act who in floating, rafting, or driving any timber under his licence causes or allows any timber to become sunken, stranded, or derelict in any river, stream, or creek, or allows any silt, shingle, tree heads, branches, or other debris to accumulate in any river, stream, or creek, so as to cause an obstruction therein, and who fails to remove the same within one month after being called upon by the Conservator in writing so to do. 10 15

(2) Every person commits an offence against this Act who wilfully fells any tree into any river, stream, or creek so as to cause an obstruction therein or otherwise wilfully causes any obstruction to any river, stream, or creek; and, in addition to any penalty to which he may be liable in respect of the offence, every such person shall be liable to any licensee who removes that tree or obstruction for all the costs of removing the same. 20 25

Penalties.

24. Every person who commits an offence against this Act is liable on summary conviction to a fine not exceeding fifty pounds and, where the offence is a continuing one, to a further fine not exceeding five pounds for every day during which the offence has continued. 30

Cancellation or
suspension of
licence on
default by
licensee.

25. Where the licensee, at any time during the term of his licence or of any extension thereof, makes default in payment of any money payable to the Minister or the Conservator under the licence or in the observance of any covenant contained or implied in the licence or the performance of any condition upon which the licence was granted, or commits an offence against this Act, the Minister may forthwith cancel the licence or suspend it for such period as he thinks fit, by notice in writing to the licensee sent to him by registered post and 35 40

addressed to him at his last known place of abode or business, but without prejudice to any claim which the Minister or any other person may have against the licensee in respect of any matter arising under the licence
5 or under this Act.

26. Any notice or objection which by this Act is required to be given to or served on any person may be given or served by causing it to be delivered to him personally or leaving it addressed to him at his last known place of abode or business in New Zealand, or by posting it to him by registered letter addressed to him at his last known place of abode or business in New Zealand, and every notice or objection so posted shall be deemed to have been received when in the ordinary course of post
10 it would be delivered:

15 Provided that, where any such notice or objection is required to be given to or served on any person as the owner, lessee, or occupier of any land and that person is unknown or cannot be found or is absent from New Zealand and has no known agent in New Zealand, the notice or objection may be given or served by fixing it on some conspicuous part of the land.

20 27. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Act.

(2) Without limiting the general power to make regulations hereinbefore conferred, regulations may be made under this section—

30 (a) Prescribing the forms of licences and bonds under this Act:

(b) Prescribing the fees payable in respect of any application, licence, extension, or other matter arising under this Act.

35 (3) All regulations made under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the
40 next ensuing session.

Service of notices and objections.

Regulations.

Repeal and
savings.
See Reprint
of Statutes,
Vol. VIII,
p. 724
Ibid., p. 568

28. (1) The Timber Floating Act 1908 is hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.