NEW ZEALAND FOREST LEGISLATION

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Continued from Vol. IV., No. 5 (1940-41).

References omitted from the previous synopsis but of value in a digest of New Zealand Forest Law are included in the following list:

1908. Road Boards Act, 1908.—Section 133 provides that a Road Board may expend moneys in planting trees on lands not privately owned.

1921-22. Animals Protection and Game Act 1921-22.—Section 39 provides that the holder of a license or other authority is not authorised to enter upon a State Forest without a permit under the Forests Act 1921-22.

(Vide the Opossum Regulations 1934, published in Gazette 1934 page 1553.)

1922. Workers Compensation Act 1922, Section 3.—Employer liable to pay compensation for accidents to worker and applies to the cutting of standing timber, including the cutting of scrub and clearing land of stumps and logs (First Schedule), whether carried on for the purposes of the employer's trade or business or not.

Section 63 relates to contractors for the work mentioned who are deemed to be workers.

Statutory Regulations 1942/104—Industrial Diseases declared

1922. Finance Act 1922.—Section 30 provides that a County Council may expend moneys in planting and tending trees etc., on lands not privately owned.

1924. Land Act 1924,—Section 126. A lessee or licensee of Crown land is entitled to reduction of rent on tree-planting.

Section 284 (6). The term “improvements” in respect of pastoral licenses includes “plantations” and a licensee is entitled to the value thereof from a succeeding licensee.

Section 364. Local authorities may apply funds for improvements of reserves and for purposes of public plantations.

(Part XIII). Section 386 as amended by Section 7, Land Laws Amendment Act 1930.

Provisions as to limitation of area (5,000 acres) that may be held may be waived in favour of a company formed for afforestation purposes, on the joint recommendation of the Minister of Lands, Commissioner of State Forests and Minister of Agriculture.

See also Native Land Act 1931 and Companies (Bondholders) Incorporation Act 1934-35, Section 36.

1924. Finance Act 1924, Section 17 provides that one-fifth of royalties or net proceeds of sales of native timber growing on State
Forests (Crown lands proclaimed) payable to a local authority within whose district the timber is obtained and the revenue derived.

Section 12 of the Land Laws Amendment Act 1932 provides that a proportion of such revenue may be paid to other local authorities within whose districts the timber may be or has been transported by road.

1925. Death Duties Amendment Act 1925.—Section 70 of the principal Act of 1921 adopted the definition of “land” appearing in the Valuation of Land Act, which included “trees” in the definition but by amendments gradually reached the position where all planted trees are excluded from the definition. Section 6 of the Death Duties Amendment Act 1925 declared the correct construction of Section 70 to be that all trees are liable for payment of duties.

1925. Electric Power Boards, Act 1925.—Section 83 (b) provides that any Electric-power Board may plant trees to provide timber for the Board.

1926. Land Laws Amendment Act 1926.—Section 20 provides authority to vest Crown land in local authorities for afforestation purposes.

1926. Local Bodies Loans Act 1926.—Section 123 provides that where land liable to a special rate is acquired by the Crown, the Crown shall be liable for payment of such rate for any year during which there is no occupier of the land within the meaning of the Rating Act 1925 (tenancy of six months or more) see Local Authorities Interest Reduction and Loans Conversion Amendment Act 1933 (Crown liable for substituted special rate).

1927. Finance Act 1927 (No. 2), Section 28.—A County Council may make a levy not exceeding one halfpenny per hundred feet board measure on timber produced in the County from trees that have not been planted. The charge is payable by the sawmiller, who on request by a County Council is required to furnish returns of timber converted by him.

(See also Public Works Act 1928 and Finance Act 1924).

1928. Public Reserves Domains and National Parks Act 1928.—Section 71 provides that the Governor-General may by Order in Council declare any land subject to the Forests Act 1921-22 to be a national park.

1928. Public Works Act 1928.—Section 209 makes provision for a Magistrate to allow timber to be brought over private land (see also Native Land Act 1931, Section 532).

Sections 155-166 (inclusive) deal with the use of roads and provide, inter alia, powers for local authorities to make by-laws in respect of heavy traffic (may levy a toll on timber traffic).

See also Transport Law Amendment Act 1939, Sections 11 and 12 (Local authorities may recover expenses due to damage caused by
excessive weight or extraordinary traffic), and The Heavy Motor Vehicle Regulations 1940 (1940/78) Regulation 7 as to prohibition of the use of heavy motor vehicles.

See also Finance Act 1924 and 1927.

1931. Native Land Act 1931.—Provisions regarding limitation of area (5,000 acres Native freehold land which may be held by any person) are contained in Part XII. Under Section 246 the Governor-General may authorise acquisition notwithstanding limitation (no restriction as to purpose providing it is in the public interest). See also Land Act 1924.

Section 532 provides that a Native Land Court may make an order authorising any person named therein to construct and use a road or tramway over Native land for the removal of timber which has no other practicable outlet, subject to such terms and conditions as may be specified in the order. For procedure see Rules of Court Gazette 1914, page 3,243, Clauses 38-44. See also Public Works Act 1928, Section 209.

1933. Municipal Corporations Act 1933.—Section 341 provides that a Borough Council may expend moneys for tree planting on land not privately owned.


1937. Petroleum Act 1937, Section 20 (3) No person may carry on mining operations (as specified in the Act) in a State Forest without the precedent consent in writing of the Commissioner of State Forests and in accordance with any conditions he may impose.

1938. Statutes Amendment Act 1938, Section 55 amends the Scenery Preservation Act 1908 and provides that lands comprised in State Forests may be set apart as scenic reserves by proclamation.

1940. Native Purposes Act 1940, Section 4, provides that Crown lands set apart under any Act may be exchanged for Native land.

1940. Orchard and Garden Diseases Amendment Act 1940 amends the principal Act of 1928 and make provision inter alia for prohibiting the importation of diseased or insect infested timber.

1940. Termites Act 1940 provides for the detection, control and destruction of termites in New Zealand.

1940. Forest (Fire-prevention) Regulations 1940, Amendment No. 1, Serial number 1943/31. Remedies certain defects in the principal Regulations revealed by administration and legal proceedings since they were introduced in November, 1940, and includes additional provisions regarding the use of gas producers in Fire Districts and the use of spark arresters, patrolling of tramways, etc.

A Notice published in Gazette 1944, page 89, prohibits the use of part Rotorua-Waikaremoana Road and part Dargaville-Oponini Road by vehicles using gas producers between 1st August in any year to 30th April following except with a permit from a Conservator or other Forest Officer.

1941. Soil Conservation and Rivers Control Act 1941. Provides for the conservation of soil resources and for the prevention of damage by erosion. The Act is administered by a Soil Conservation Council as the principal authority while local control is provided for by the constitution of Catchment Districts each of which is controlled by a Catchment Board.

1941. Statutes Amendment Act 1941, Sections 26 to 29 (inclusive) amend the Forests Act 1921-22.

An amendment to Section 45 authorises a Forest Officer to require any person within a fire district or within 5 miles of an outbreak of fire to assist in its control and suppression.

Amendments to Section 63 include power to make regulations to regulate or prohibit traffic into, in and through State Forests, to prohibit or regulate the use of any public road adjoining a State Forest or in a Fire District while fire-fighting is proceeding, to prescribe measures and equipment to be provided by sawmillers and other persons engaged in industrial operations in State Forests or Fire Districts for the prevention and suppression of fire, to establish and conduct recreational and camping area in State Forests and to eradicate or prevent the spread of any disease which may affect trees or timber.

1941. Reserves and Other Lands Disposal Act 1941.—Section 24 provides for the cutting of milling timber on lands subject to pastoral licenses in Karamea and Westland Mining Districts.

1942. The Sawmill Registration Regulations 1942 (Serial number 1942/330) require the owner of every operating sawmill to apply for registration annually not later than 17th March in each year. The owner of any sawmill commencing operations is required to apply for registration within 7 days of commencement.

1943. Native Purposes Act 1943, Section 18 empowers a Native Land Court to extend leases of timber on Native land.

1944. Annual Holidays Act, 1944.—Every worker at the end of each year of employment is entitled to an annual holiday of two weeks on ordinary pay.
TIMBER EMERGENCY REGULATIONS, 1939
Amendment No. 1, Serial Number 1943/106

The provisions of this amendment simplify and expedite the procedure for the sale and purchase of timber on private and Native lands and gives the Timber Controller power to require a land-owner to give access over his land for the removal of timber or to require the owner of a tramway to transport timber materials other than his own over his tramway.

Timber Control Notices issued since the synopsis in Vol. IV, No. 5 page 330 are as follows:

The Removal and Erection of Sawmills Notice 1941 (Serial Number 1941/236) provides that no person may remove a sawmill to another site or erect a sawmill except with the precedent consent of the Timber Controller.

Timber Control Notice No. 31. (Gazette 1941, page 3913). Required sawmillers to furnish returns of wire ropes and saws. The notice was transitory and is now spent.

Timber Control Notice No. 32. (Gazette 1941, page 3913). Required boxmakers to furnish returns of corrugated fasteners and binding wire. This notice was transitory and is now spent.

Timber Control Notice No. 33. (Gazette 1941, page 3959). Prohibits the use of binding wire for tying manufactured parts of boxes and crates except when transported by ship.

Timber Control Notice No. 34. (Gazette 1942, page 371). Prohibits the sale and purchase of Building A and Dressing A matai produced in Auckand, Hawke's Bay, Taranaki and Wellington Land Districts, except for the manufacture of cheese crate battens.


Timber Control Notice No. 35. (Gazette 1942, page 609). Requires beech timbers to be correctly designated both by common name of the species and by the district in which they are grown.

Timber Control Notice No. 36. (Gazette 1942, page 609). Prohibits the cutting, sale or purchase of Australian hardwoods for other than specified purposes. Certain clauses now spent, required returns of stocks and orders to be furnished.

Timber Control Notice No. 37. (Gazette 1942, page 610). Prohibits the cutting of 6 in. by 6 in. or larger Oregon or Douglas fir timbers.

Revoked by Timber Control Notice No. 50 (Gazette 1942, page 2,561).

Timber Control Notice No. 38 (Gazette 1942, page 610). Provides that insignis pine timber shall not be cut and used for other than wooden containers.
Revoked by Timber Control Notice No. 49 (Gazette 1942, page 1975).

The Second-Hand Fruit-case Control Notice 1942. (Serial number 1942/120) also published in Gazette 1942, page 642, limits the re-use of apple and pear cases for the packing of such fruit by requiring their sale in specified areas to fruitgrowers, fruit packers and persons engaged in reconditioning fruit cases, except with the precedent consent of a District Manager of the Internal Marketing Division.

The Notice was extended by Amendment No. 1, Serial number 1942/121).

The foregoing Notice and amendment were revoked and replaced by The Second-hand Fruit-case Notice 1943 (1943/1) which was revoked and replaced by the Second-hand Fruit-case Control Notice (No. 2) 1943, Serial Number 1943/79. Now administered by the Director of the Horticultural Division of the Department of Agriculture.

Timber Control Notice No. 43 (Gazette 1942, page 952). Provides briefly that timber produced in or south of Te Kuiti shall not be transferred north of Te Kuiti.

Timber Control Notice No. 44 (Gazette 1942, page 1121). Requires every sawmiller to furnish a return of wire ropes acquired, discarded or disposed of after 15th December, 1941 and thereafter within seven days of acquisition or disposal.

Timber Control Notice No. 49 (Gazette 1942, page 1975). Revokes Timber Control Notice No. 38 and in effect removes the restriction on the sawing and disposal of insignis pine timber except for the manufacture of wooden containers insofar as it applied to the North Island but retained the restriction in the South Island.

Revoked by Timber Control Notice No. 51 (Gazette 1942, page 2925), which restored the restriction throughout the Dominion.

Timber Control Notice No. 50 (Gazette 1942, page 2561). Revokes Timber Control Notice No. 37 and requires that no Oregon or Douglas fir timber be sawn, used or disposed of or purchased except with the precedent consent of the Timber Controller. Owners are also required to furnish monthly returns of stocks.

Timber Control Notice No. 51 (Gazette 1942, page 2825). Revokes Timber Control Notice No. 49 restricting the sawing, use and disposal of insignis pine timber in the South Island except for the manufacture of wooden containers and applies the restriction to the whole of New Zealand.

Timber Control Notice No. 52 (Gazette 1942, page 2844). Prohibits the sale and purchase of tractors, motor-trucks, log-haulers, boilers, railway-rails and wire-ropes in the sawmilling industry except with the precedent consent of the Timber Controller.
Timber Control Notice No. 53 (Gazette 1943, page 352). Provides that kahikatea or white-pine timber shall be used only for the manufacture of tallow casks or butter boxes or as ships' dunnage.

Timber Control Notice No. 54 (Gazette 1943, page 352). Requires every boxmaker to furnish particulars of his plant and output while similar particulars are required from any person who commences to use any boxmaking plant within seven days of commencement. The latter requirement contained in Clause 6 is now the only portion of the Notice in force.

Timber Control Notice No. 55 (Gazette 1943, page 449) requires that no proprietor of any sash and door factory or joinery factory shall manufacture any door unless it is one of the types specified in the New Zealand Standards Specification for Doors numbered N.Z.S.S.E. 106. This requirement may be varied by consent of the Building Controller.

Timber Control Notice No. 56 (Gazette 1944, page 622). Requires that no sawmill, timber merchant or other person shall sell building timbers of rimu, miro, matai or totara unless such timbers are classified and graded in accordance with the New Zealand Standard Specification for Classification and Grading of New Zealand Building Timber (National Grading Rules) numbered N.Z.S.S. 169.

NOTE.—All the foregoing timber Control Notices are authorised by and therefore subsidiary to the Timber Emergency Regulations, 1939, and the Timber Controller may give consent to waive or vary any of the provisions either unconditionally or subject to such conditions as thinks fit.

Missing numbers in the list were given to notices (not published) of restricted application and not therefore of general public interest.