

FORESTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Forests Act 1949.

Clause 1 specifies the Short Title to the Bill.

Clause 2: Section 15 (2) (e) of the principal Act authorises the Minister to sell or otherwise dispose of any forest produce. The clause amends the provision by declaring that the Minister's power is subject to any working plan for the State forest land that is affected.

Clause 3: Section 30 (1) of the principal Act authorises the Minister, subject to that Act and the Tenancy Act 1955, to grant licences, leases, permits, etc. The clause declares that the Minister's power is to be subject also to any working plan for the State Forest land that is affected.

Clause 4 provides for the omission of honorary rangers from the class of officers who are empowered to seize firearms under the provisions of section 41A of the principal Act, as inserted by section 4 of the Forests Amendment Act 1964.

Clause 5: Section 57 (f) of the principal Act makes it an offence to enter any State forest land. The clause excepts a State forest park or recreation area set apart under Part IIA of the principal Act, as inserted by *clause 6*.

Clause 6 inserts in the principal Act a new Part IIA relating to State forest parks and recreation areas, which Part comprises the new *sections 63A to 63E*.

The new *section 63A* authorises the Governor-General, by Proclamation, to—

- (a) Set apart any area or areas of permanent State forest land as a State forest park or part of a State forest park:
- (b) Set apart any area or areas of provisional State forest land as permanent State forest land and as a State forest park or part of a State forest park.

An Order in Council may declare that any area or areas of State forest park shall lose that character, in which case the area or areas remain as permanent State forest land.

The new *section 63B* authorises the Governor-General, by Order in Council, to make regulations not inconsistent with the principal Act for the purpose of establishing a committee to advise the Minister on recreational aspects of the administration of any State forest park or State forest parks, or for the

purpose of regulating the conduct of any State forest park and the rights of the public to enter and use any State forest park, and for the purpose of prescribing the circumstances in which the public may be excluded from any State forest park.

The new *section 63c* provides that where there is no current working plan for any area or areas set apart as a State forest park or part of a State forest park, the Director-General shall, within one year of the date of the setting apart, cause a working plan for the area or areas to be prepared in accordance with section 26 of the principal Act.

The new *section 63b* amplifies the present section 72 (1) (p), and provides that the Minister may from time to time, by notice in the *Gazette*,—

- (a) Set apart any area or areas of State forest land as a recreation area available for public recreation:
- (b) Regulate the conduct of any recreation area and the rights of the public to enter and use any recreation area, and prescribe the circumstances in which the public may be excluded from any recreation area.

Except as specifically provided by the principal Act or by regulations or any such notice, the provisions of the principal Act or of any regulations made thereunder relating to State forest land shall apply to every area set apart under the section as if it were not so set apart.

The new *section 63e* makes it an offence punishable on summary conviction by a fine not exceeding £50 to—

- (a) Enter any State forest park or recreation area in contravention of any regulation or notice made or given under the new Part II A:
- (b) Otherwise act in contravention of or fail to comply with any such regulation or notice.

Clause 7 amends section 72 (4) of the principal Act so as to provide for the payment of remuneration and travelling allowances and expenses to members of committees constituted under the new section 64B.

Hon. Mr Gerard

FORESTS AMENDMENT

ANALYSIS

Title	"PART IIA "STATE FOREST PARKS AND RECREATION AREAS
1. Short Title	"63A. Setting apart of State forest parks
2. Powers of Minister, etc.	"63B. Administration of State forest parks
3. Power to grant licences, leases, permits, etc.	"63C. Working plans for State forest parks
4. Seizure of firearms	"63D. Recreation areas
5. Offences with respect to State forest land	"63E. Offences
6. New Part inserted	7. Fees and travelling allowances

A BILL INTITULED

An Act to amend the Forests Act 1949

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 1965, and shall be read together with and deemed part of the Forests Act 1949* (hereinafter referred to as the principal Act).
- 2. Powers of Minister, etc.**—Section 15 of the principal Act is hereby amended by inserting in paragraph (e) of subsection (2), before the word "Sell", the words "Subject to any working plan for the State forest land that is affected".

*1957 Reprint, Vol. 5, p. 391
Amendments: 1960, No. 62; 1964, No. 29

3. Power to grant licences, leases, permits, etc.—Section 30 of the principal Act is hereby amended by inserting in subsection (1), before the word “grant”, the words “and to any working plan for the State forest land that is affected”.

4. Seizure of firearms—Section 41A of the principal Act, as inserted by section 4 of the Forests Amendment Act 1964, is hereby amended by omitting from subsection (1) the words “Forest Officer, or honorary ranger”, and substituting the words “or Forest Officer”. 5

5. Offences with respect to State forest land—Section 57 10 of the principal Act is hereby amended by adding to paragraph (f) the words “other than a State forest park or recreation area set apart under Part IIA of this Act”.

6. New Part inserted—The principal Act is hereby amended by inserting after Part II the following Part: 15

“PART IIA

“STATE FOREST PARKS AND RECREATION AREAS

“63A. **Setting apart of State forest parks**—(1) For the purpose of facilitating public recreation and the enjoyment by the public of any area or areas of State forest land in conjunction with the other purposes for which it is managed, the Governor-General may from time to time, by Proclamation,— 20

“(a) Set apart any area or areas of permanent State forest land as a State forest park or part of a State forest park: 25

“(b) Set apart any area or areas of provisional State forest land as permanent State forest land and as a State forest park or part of a State forest park.

“(2) The Governor-General may from time to time, by Order in Council, declare that any area or areas of State forest park shall cease to be a State forest park or part of a State forest park; but no such area or areas shall cease to be permanent State forest land by reason only of such a declaration, and nothing in this subsection shall affect subsection (1) of section 19 of this Act. 30 35

“63B. **Administration of State forest parks**—(1) The Governor-General may from time to time, by Order in Council, make regulations not inconsistent with this Act for all or any of the following purposes:

- “ (a) Constituting, or providing for the constitution, appointment, or election of, a committee to advise the Minister on recreational aspects of the administration of any State forest park or State forest parks, and defining the functions of any such committee: 5
- “ (b) Regulating the conduct of any State forest park, and the rights of the public to enter and use any State forest park, and prescribing the circumstances in which the public may be excluded from any State forest park. 10
- “ (2) Regulations made under this section may be so made as to apply to—
- “ (a) All State forest parks, or any specified State forest park or State forest parks, or all State forest parks except any specified State forest park or State forest parks: 15
- “ (b) All committees constituted under this section, or any specified committee or committees so constituted, or all committees so constituted except any specified committee or committees. 20
- “ (3) Where a committee is constituted under this section in respect of any State forest park, it may advise the Minister on recreational aspects of the working plan for the State forest park and of the administration of the State forest park.
- 25 “63c. Working plans for State forest parks—(1) Where there is no current working plan for any area or areas set apart as a State forest park or part of a State forest park, the Director-General shall, within one year of the date of the setting apart, cause a working plan for the area or areas 30 to be prepared in accordance with section 26 of this Act.
- “ (2) As soon as practicable after the Director-General has prepared a working plan for any State forest park or any part thereof, he shall—
- 35 “ (a) Cause a copy thereof to be sent to any committee which has been constituted in respect of the State forest park; and
- “ (b) Where there is no such committee, cause a copy thereof to be deposited in some convenient place for public inspection; and
- 40 “ (c) Where there is no such committee, cause a notice to be published in the *Gazette* and in some newspaper circulating in the district stating where and at what times the copy of the working plan is open for inspection, and calling on any 45 person or organisation to set forth in writing any objections to the working plan and the grounds for

the objections, and to send the written objections to the Minister within three months after the date of the first publication of the notice.

“(3) Before the Minister approves any such working plan in accordance with subsection (4) of section 26 of this Act, he shall give full consideration to all objections in respect thereof that are duly made under this section. 5

“63D. **Recreation areas**—(1) The Minister may from time to time, by notice in the *Gazette*,—

“(a) Set apart any area or areas of State forest land as a recreation area available for public recreation: 10

“(b) Cancel any such setting apart:

“(c) Consistently with this Act and any regulations made thereunder, regulate the conduct of any recreation area and the rights of the public to enter and use any recreation area, and prescribe the circumstances in which the public may be excluded from any recreation area. 15

“(2) Except as otherwise provided in this Act or in any regulations made under this Act or in any such notice, all the provisions of this Act and of any regulations made thereunder relating to State forest land shall apply to every area set apart under this section as a recreation area or part of a recreation area as if it were not so set apart. 20

“63E. **Offences**—Every person commits an offence against this Act and is liable on summary conviction to a fine not exceeding fifty pounds who— 25

“(a) Enters any such State forest park or recreation area in contravention of any regulations or notice made or given under this Part of this Act; or 30

“(b) Otherwise acts in contravention of or fails to comply with any such regulations or notice.”

7. Fees and travelling allowances—Section 72 of the principal Act (as amended by subsection (1) of section 10 of the Fees and Travelling Allowances Act 1951) is hereby further amended by omitting from subsection (4) the words “appointed pursuant to paragraph (q) of subsection one of this section”, and substituting the words “constituted under paragraph (q) of subsection (1) of this section or under section 63B of this Act (as inserted by section 6 of the Forests Amendment Act 1965)”. 35 40