

**Reprint
as at 1 October 1998**



Crown Forest Assets Act 1989

Public Act 1989 No 99
Date of assent 25 October 1989
Commencement see section 1(2)

Contents

	Page
Title	3
1 Short Title and commencement	3
2 Interpretation	4
3 Act to bind the Crown	6

Part 1

Crown forest land

4	Status of Crown forest land	6
5	Crown forest land not subject to Land Act 1948 or section 6 of Coal Mines Act 1979	6
6	Certificates of title for Crown forest land	7
7	Certification of Crown forest land	7
8	Easements, leases, exchanges, etc	8
8A	Registration of easements	8
9	Appointment of manager	9
10	Delegation	10

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Treasury.

Part 2**Crown forestry assets and Crown forestry licences***Transfer of Crown forestry assets*

11	Responsible Ministers may transfer Crown forestry assets	11
12	Appointment of agents	11
13	Transfer of fixed assets	12

Crown forestry licences

14	Grant of Crown forestry licences	12
15	Licences binding on Crown's successors	12
16	Estate or interest in land not conferred under Crown forestry licence	12
17	Provisions relating to period of Crown forestry licences	12
18	Protective covenants	15
19	Registration of protective covenants	16
20	Enforcement of protective covenants	16
21	Variation and cancellation of protective covenants	16
22	Consultation before protective covenant varied or cancelled	17
23	Review of protective covenants on return of land to Maori ownership	18
24	Public access easements	19
25	Registration of public access easements	19
26	Variation and cancellation of easements	20
27	Consultation before public access easement varied or cancelled	21
28	Review of public access easement on return of land to Maori ownership	22
29	Annual licence fee	22
29A	Other provisions of Crown forestry licences	23

Registration of licences

30	Registration of Crown forestry licences	23
31	Registration of transfers and other dealings	25
32	Regulations	26
33	Application of other Acts	26
34	Forestry rental trust	27

Part 3**Return of Crown forest land to Maori ownership and compensation**

35	Restrictions on sale of Crown forest land	27
----	---	----

36	Return of Crown forest land to Maori ownership and payment of compensation	27
37	Recommendation by Waitangi Tribunal that Crown forest land not liable to return to Maori ownership	28

Part 4

Amendments to Treaty of Waitangi Act 1975

38	This Part to be read with Treaty of Waitangi Act 1975	28
39	Functions of Tribunal	28
40	New heading and sections inserted	29
41	Power of Tribunal to commission research and receive report in evidence	29

Part 5

Amendments to other Acts

42	Amendments to Maori Affairs Act 1953 <i>[Repealed]</i>	29
43	Amendment to Income Tax Act 1976 <i>[Repealed]</i>	29
44	Amendments to Conservation Act 1987	29

Schedule 1

Compensation payable to Maori

Schedule 2

Maori owned land that is not Crown forest land

Schedule 3

Initial term of Crown forestry licences

An Act to provide for—

- (a) the management of the Crown's forest assets:**
- (b) the transfer of those assets while at the same time protecting the claims of Maori under the Treaty of Waitangi Act 1975:**
- (c) in the case of successful claims by Maori under that Act, the transfer of Crown forest land to Maori ownership and for payment by the Crown to Maori of compensation:**
- (d) other incidental matters**

1 Short Title and commencement

- (1)** This Act may be cited as the Crown Forest Assets Act 1989.
- (2)** This Act shall come into force on the day on which it receives the Royal assent.

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

Crown means Her Majesty the Queen in right of New Zealand

Crown forest land means all land that immediately before the commencement of section 32(1) of the State-Owned Enterprises Act 1986, was State forest land under the Forests Act 1949, Crown land, and other lands of the Crown, being land or lands shown as being allocated to New Zealand Forestry Corporation Limited on record plans—

- (a) lodged, whether before or after the commencement of this Act, in the office of the Chief Surveyor for the land district in which the land is situated; and
- (b) certified as correct for the purposes of this Act by that Chief Surveyor; and
- (c) as added to, varied or modified, from time to time, with the approval of the responsible Ministers—

and includes land or any interest in land acquired pursuant to section 8(d); but does not include any land specified in Schedule 2, being land leased or licensed to the Crown for forestry purposes

Crown forestry assets means—

- (a) every forest that comprises principally exotic trees growing or standing on Crown forest land; and
- (b) all improvements on, or associated with, Crown forest land and, without limiting the generality of the foregoing, includes:
 - (i) all buildings and other structures affixed to that land; and
 - (ii) all roads, tracks, accessways, firebreaks, bridges, culverts, irrigation works, erosion works, water-races, drainage works, water storage, and all works and services related to the prevention, detection, or fighting of fire; and
- (c) all plant, equipment, vehicles, tools, logs, consumable supplies, raw materials, forest produce and stores used or associated with the management of other Crown forestry assets; and
- (d) the forest stand records of the Crown; and

- (e) all rights (whether vested or contingent) under leases, licences, agreements for sale and purchase, *profits à prendre*, easements (including easements in gross), rights to take standing timber and growing crops, and any other form of right to occupy or use land other than Crown forest land; and
- (f) all patents, trademarks, copyright, and other intellectual property rights (whether protected by registration or other formal process, or not) and all planning and other statutory consents used in connection with the management of Crown forestry assets or Crown forest land; and
- (g) shares or other securities in companies holding Crown forestry assets and shares or other securities held by the Crown for forestry purposes; and
- (h) all contracts entered into by the Crown in respect of Crown forestry assets referred to in the preceding paragraphs of this definition or the use of Crown forest land—

but does not include contracts that are not capable of assignment by the Crown and the leases or licences specified in Schedule 2

Crown forestry licence means a licence granted under section 14

drainage works means all drains associated with buildings

erosion works means work done for the purpose of protecting roads against erosion

land, whether or not used as part of any other defined term, includes any interest in land, but does not include a Crown forestry licence

licensed land means Crown forest land that is subject to a Crown forestry licence and includes land that was at any time Crown forest land and that is subject to a Crown forestry licence

licensee means the grantee of a Crown forestry licence; and includes the executors, administrators, successors, and assignees of the grantee

protective covenant means a covenant of the kind specified in section 18

responsible Ministers means the Minister for State Owned Enterprises and the Minister of Finance

termination period has the meaning given to it in section 17(1)

transfer includes sell, assign, grant a lease, licence, right, or interest, and dispose of in any other way; and **transfer**, used as a noun, has a corresponding meaning

Tribunal means the Waitangi Tribunal established under the Treaty of Waitangi Act 1975.

- (2) Without limiting the definition of the term **transfer** in subsection (1), a reference in this Act to the word **transfer** or **appoint** includes entering into an agreement to transfer or appoint, as the case may be.

- (3) Nothing in this Act limits any powers or rights that the Crown or a Minister of the Crown has other than pursuant to this Act.

Section 2(1) **drainage works**: inserted (with effect on 25 October 1989), on 19 December 1995, by section 2 of the Crown Forest Assets Amendment Act 1995 (1995 No 94).

Section 2(1) **erosion works**: inserted (with effect on 25 October 1989), on 19 December 1995, by section 2 of the Crown Forest Assets Amendment Act 1995 (1995 No 94).

3 Act to bind the Crown

This Act binds the Crown.

Part 1 Crown forest land

4 Status of Crown forest land

All Crown forest land, irrespective of its status before the commencement of this Act, is subject to this Act.

5 Crown forest land not subject to Land Act 1948 or section 6 of Coal Mines Act 1979

- (1) Except as provided in subsections (2) and (3), nothing in the Land Act 1948 applies to Crown forest land or Crown forestry assets.

- (2) Sections 36 and 172 of the Land Act 1948 shall continue to apply to Crown forest land and Crown forestry assets.
- (3) Section 176 of the Land Act 1948 shall apply to Crown forest land that is not subject to a Crown forestry licence.
- (4) Nothing in section 6 of the Coal Mines Act 1979 applies in respect of Crown forest land.

6 Certificates of title for Crown forest land

- (1) Notwithstanding the provisions of any other Act, a District Land Registrar shall, on written application by any person authorised by a responsible Minister and without further authority than this section, in respect of any Crown forest land that is already incorporated in the register or otherwise registered in the land registry office of the land registration district concerned, make such entries in the register and on any outstanding documents of title and generally do all such things as may be necessary to record that the estate or interest of the Crown in the land is held under this Act.
- (2) A District Land Registrar shall, subject to the deposit of any plans which may be required, on written application by any person authorised by a responsible Minister, issue a certificate of title for the fee simple estate in Crown forest land in form No 2 of Schedule 1 of the Land Transfer Act 1952, amended as appropriate. Every such certificate of title shall record that the estate or interest of the Crown is held under this Act.

7 Certification of Crown forest land

- (1) Every application under section 6 shall be accompanied by a certificate from the Chief Surveyor for the district concerned that the land is Crown forest land and containing particulars of every Crown forestry licence relating to that land.
- (2) A certificate obtained under subsection (1) shall be conclusive evidence to the District Land Registrar that the land is Crown forest land and is subject to the Crown forestry licence referred to in the certificate.

8 Easements, leases, exchanges, etc

The responsible Ministers may, on behalf of the Crown, for the purpose of managing Crown forest land, or Crown forestry assets, or Crown forestry licences, and in accordance with good business practice, do any 1 or more of the following:

- (a) acquire an easement over any land:
- (b) grant an easement over any Crown forest land or any part or parts of it and vary, renew, or cancel any easement:
- (c) grant to any person, exclusively or in common with others, licences, leases, permits, and other rights and authorities in respect of any Crown forest land:
- (d) transfer the fee simple, or transfer or grant any other estate or interest, in any Crown forest land in exchange for the fee simple or any other estate or interest in any adjoining land—

for such consideration, and on such terms and conditions, as the responsible Ministers may approve.

8A Registration of easements

- (1) Notwithstanding anything in the Land Transfer Act 1952, where an easement is granted or reserved over or in favour of Crown forest land for which no certificate of title has been issued, a District Land Registrar shall, on written application by either of the responsible Ministers, register the instrument granting or reserving the easement by constituting it a folium of the register.
- (2) Before a District Land Registrar registers the instrument, the Chief Surveyor for the land district in which the Crown forest land is situated must issue a certificate as to the correctness of the description of the land contained in the instrument or endorse on the instrument a certificate to that effect.
- (3) A certificate in accordance with subsection (2) shall be conclusive evidence to the District Land Registrar of the matters required to be stated therein.
- (4) Where an instrument granting or reserving an easement over or in favour of Crown forest land is constituted a folium of the register, the easement shall be treated for all purposes, includ-

ing all subsequent dealings, as if it had been created under the Land Transfer Act 1952.

- (5) Where an instrument granting or reserving an easement over or in favour of Crown forest land is constituted a folium of the register and the land is registered under the Land Transfer Act 1952, before issuing a certificate of title under that Act in respect of the land, the District Land Registrar shall make all entries necessary to record the registration of the easement.

Section 8A: inserted, on 18 December 1992, by section 2 of the Crown Forest Assets Amendment Act 1992 (1992 No 135).

9 Appointment of manager

- (1) The responsible Ministers may, on behalf of the Crown, in writing, appoint Crown Forestry Management Limited or any other person to act on behalf of the Crown to manage any Crown forest land, Crown forestry assets, or Crown forestry licences, with or without consideration, and on such terms and conditions as the responsible Ministers may agree with the appointee.
- (2) The responsible Ministers may, on behalf of the Crown, in writing, appoint Crown Forestry Management Limited or any other person to act on behalf of the Crown to manage any contract, not being a contract that is a Crown forestry asset within the meaning of that term in section 2, for the supply of timber from Crown forest land whether entered into before or after the commencement of this Act. The appointment may be with or without consideration and may be on such terms and conditions as the responsible Ministers may agree with the appointee.
- (3) A copy of any instrument under this section may be lodged with a District Land Registrar or Chief Surveyor and shall, for the purposes of the Land Transfer Act 1952, be conclusive evidence of the authority of the person named in the instrument to exercise the powers conferred by it.
- (4) Where Crown Forestry Management Limited or any other person is appointed to manage any contract pursuant to subsection (1) or subsection (2), every reference in any such contract to the Minister of Forests, the New Zealand Forest Service, the Director-General of Forests, a conservator, or a forestry offi-

cer, shall be read as a reference to the manager appointed under this section.

Section 9(1): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

Section 9(2): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

Section 9(4): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

10 Delegation

- (1) The responsible Ministers may, from time to time, in writing, delegate, on such terms and conditions as they think fit, any of their powers under sections 8, 8A, 11, or 14 to Crown Forestry Management Limited or any other person.
- (2) Any person to whom any powers are delegated under subsection (1) may, for the purpose of exercising those powers, appoint any officer or employee to execute or sign any transfer, grant, agreement, or instrument on behalf of the Crown.
- (3) Subject to any general or special directions given or conditions attached by the responsible Ministers, any person to whom any power has been so delegated, may exercise that power in the same manner and with the same effect as if it had been conferred directly by this section and not by delegation.
- (4) Every person purporting to act under any delegation under this section shall, in the absence of evidence to the contrary, be presumed to be acting in accordance with the terms of that delegation.
- (5) Any such delegation may at any time be revoked by the responsible Ministers in whole or in part, but that revocation shall not affect anything done before the revocation.
- (6) No delegation shall prevent the exercise by the responsible Ministers of any of the functions, duties, and powers conferred by this Act.
- (7) A copy of any instrument of delegation or instrument of appointment under this section may be lodged with a District Land Registrar or Chief Surveyor and shall, for the purposes of the Land Transfer Act 1952, be conclusive evidence of the authority of the person named in the instrument to exercise the powers delegated or conferred, as the case may be.

Section 10(1): amended, on 1 October 1998, by section 42 of the Ngāi Tahu Claims Settlement Act 1998 (1998 No 97).

Section 10(1): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

Part 2

Crown forestry assets and Crown forestry licences

Transfer of Crown forestry assets

11 Responsible Ministers may transfer Crown forestry assets

- (1) The responsible Ministers may, on behalf of the Crown, transfer Crown forestry assets to any person for such consideration, and on such terms and conditions, as the responsible Ministers may agree with that person.
- (2) Crown forestry assets that are described in paragraph (a) of the definition of that term in section 2 may only be transferred to a person to whom it is proposed to grant a Crown forestry licence in respect of the land on which those assets are situated.
- (3) Nothing in subsection (2) prevents the transfer of any Crown forestry assets referred to in that subsection in compliance with—
 - (a) the terms of any contract that existed immediately before the commencement of this Act; or
 - (b) the terms of any contract that the responsible Ministers consider appropriate to enter into in accordance with current accepted business practice.

12 Appointment of agents

- (1) The responsible Ministers may, on behalf of the Crown, appoint Crown Forestry Management Limited or any other person to do any 1 or more of the following:
 - (a) transfer, or arrange the transfer of, Crown forestry assets to any person; or
 - (b) grant, or arrange the grant of, a Crown forestry licence to any person.
- (2) An appointment under subsection (1) may be made with or without consideration, and on such terms and conditions, as the responsible Ministers may agree with the appointee.

Section 12(1): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

13 Transfer of fixed assets

Notwithstanding any Act or rule of law, Crown forestry assets growing or standing on, or fixed to, or under or over, any land may be transferred under section 11, notwithstanding that neither the land nor any interest in the land is being transferred. For the purposes of that transfer, the assets and the land shall be regarded as separate assets each capable of separate ownership.

Crown forestry licences

14 Grant of Crown forestry licences

The responsible Ministers may, on behalf of the Crown and in accordance with this Act, grant a Crown forestry licence in respect of any Crown forest land to any person to whom Crown forestry assets on, or that relate to, that land, have been transferred under section 11.

15 Licences binding on Crown's successors

Every Crown forestry licence enures for the benefit of, and is binding on, the successors in title to the Crown, and is not affected by the transfer of the licensed land by the Crown under section 8 or by its return to Maori ownership under section 36.

16 Estate or interest in land not conferred under Crown forestry licence

A Crown forestry licence does not transfer to, or confer on, the licensee an estate or interest in land.

17 Provisions relating to period of Crown forestry licences

- (1) For the purposes of this section **termination period** means the period of 35 years at the end of which a Crown forestry licence terminates in relation to the licensed land or any part of it.
- (2) Subject to this section, every Crown forestry licence that relates to Crown forest land that is situated in a district specified in Schedule 3, or on which a forest specified in that schedule

is located, shall comprise, as an initial fixed term, the term set out opposite that district or forest, as the case may be, in that schedule, and shall then run from year to year by way of automatic extension.

- (3) Subject to this section, every other Crown forestry licence shall run from year to year by way of automatic extension.
- (4) Every Crown forestry licence shall provide that if a recommendation is made under section 8HB(1)(a) of the Treaty of Waitangi Act 1975 that becomes a final recommendation under that Act for the return of the licensed land, or any part of it, to Maori—
 - (a) the responsible Ministers shall give notice to the licensee that the recommendation has become a final recommendation:
 - (b) notice shall be given to the licensee terminating the licence, or terminating the licence in so far as it relates to part of the licensed land, as the case may be,—
 - (i) if the notice is given during the initial fixed term, at the expiration of a period of 35 years commencing on 30 September next after the end of that term; or
 - (ii) if the notice is given after the initial fixed term, or if the licence does not comprise an initial fixed term, at the expiration of a period of 35 years commencing on 30 September next after the date on which the notice is given:
 - (c) in relation to the licensed land, or that part of it to which a notice of termination applies, as the case may be,—
 - (i) during the termination period the rights of the licensee under the licence in respect of that land shall be restricted to protecting, managing, harvesting, and processing the tree crops standing on that land at the commencement of that period; and
 - (ii) the licensee shall exercise those rights in accordance with accepted forestry business practice; and
 - (iii) the licensee shall, during the termination period, from time to time in accordance with the licence,

- give notice to the licensor of those parts of that land, including buildings and other fixed structures, roads, tracks, and access ways, that are no longer required by the licensee for exercising the licensee's rights under the licence during that period; and
- (iv) the licensor shall take possession of any land referred to in subparagraph (iii) notified as being no longer required, and the licence shall cease to apply to that land except for provisions that relate to the rights and obligations of the parties during the balance of the termination period.
- (5) Every Crown forestry licence shall provide that if a recommendation is made under section 8HB(1)(b) or section 8HB(1)(c) or section 8HE of the Treaty of Waitangi Act 1975 that the licensed land, or part of it, not be liable to be returned to Maori ownership,—
- (a) the licence shall, as regards the licensed land or any part of it to which the recommendation relates, be deemed to have been granted for an initial fixed term of 35 years whether or not the licence comprised an initial fixed term in accordance with subsection (2) and whether or not the licence has been in force for the whole or part of that term:
- (b) notice may be given to the licensee terminating the licence—
- (i) if the notice is given during the initial fixed term, at the expiration of a period of 35 years commencing on 30 September next after the end of that term; or
- (ii) if the notice is given after the expiration of the initial fixed term, at the expiration of a period of 35 years commencing on 30 September next after the date on which the notice is given:
- (c) subject to the terms and conditions of the licence and to any enactment or rule of law, the licensee shall have the right, while the licence remains in force, to use the licensed land for any purpose whether or not it relates

to the harvesting, planting, management or processing of trees on the licensed land.

18 Protective covenants

- (1) Every Crown forestry licence shall, where appropriate, include—
 - (a) covenants for conservation purposes under section 27 of the Conservation Act 1987;
 - (b) covenants for the protection of archaeological sites;
 - (c) covenants for the protection of sites having historical or spiritual or emotional or cultural significance;
 - (d) water and soil covenants;
 - (e) covenants relating to forest research areas and Wahi Tapu.
- (2) The licence shall—
 - (a) specify the nature and terms of each protective covenant; and
 - (b) define the boundaries of the area subject to each protective covenant.
- (3) The terms of every protective covenant for conservation purposes shall be determined by the responsible Ministers in consultation with the Minister of Conservation.
- (4) The terms of every protective covenant for the protection of archaeological sites, and sites having historical or spiritual or emotional or cultural significance and Wahi Tapu shall be determined by the responsible Ministers in consultation with such persons or Maori who, or organisations that, in the opinion of the responsible Ministers, have an interest, or, represent persons or Maori having an interest, in the proposed covenants.
- (5) The terms and conditions of every water and soil covenant shall be determined by the responsible Ministers in consultation with the Minister for the Environment.
- (6) The terms and conditions of every protective covenant for forest research areas shall be determined by the responsible Ministers in consultation with the Minister of Forestry.

19 Registration of protective covenants

- (1) The terms of every protective covenant shall be incorporated in a certificate which shall be signed by a responsible Minister and shall be registered with the District Land Registrar of the district in which the licensed land is situated.
- (2) On registration of the certificate,—
 - (a) the Registrar shall enter particulars of that certificate and of every protective covenant on the register and on all relevant instruments of title; and
 - (b) where no certificate of title for the land has been issued, the Registrar shall constitute the certificate a separate folium of the register.
- (3) No protective covenant shall be registered under this section unless the certificate incorporating the protective covenant is accompanied by a certificate from the Chief Surveyor of the land district in which the licensed land is situated that the covenant is correctly described and relates to the licensed land and containing such other matters as the District Land Registrar requires.

20 Enforcement of protective covenants

- (1) The Minister of Conservation may, in relation to any protective covenant of the kind referred to in any of paragraphs (a) to (d) of subsection (1) of section 18, take any necessary proceedings—
 - (a) to enforce the terms of the covenant; or
 - (b) to remedy or restrain any breach of the terms of the covenant.
- (2) Before instituting any proceedings the Minister of Conservation shall consult with the responsible Ministers and any other Minister of the Crown having an interest in the matter.

21 Variation and cancellation of protective covenants

- (1) Subject to section 22, any term or condition of a protective covenant may be varied, or added to, or omitted, by a memorandum signed by a responsible Minister and registered with the District Land Registrar of the district in which the licensed land is situated.

- (2) Subject to section 22, a protective covenant may be cancelled by a memorandum signed by a responsible Minister and registered with the District Land Registrar of the district in which the land is situated.
- (3) The memorandum shall be registered in the same manner as a certificate under section 19.
- (4) On the registration of the memorandum of variation or cancellation, as the case may be, the District Land Registrar shall,—
 - (a) notify particulars of the variation or the cancellation of the covenant, as the case may be, on the register and on any relevant instruments of title; and
 - (b) if no certificate of title has been issued for the land, notify particulars of the variation of the covenant on the folium of the register constituted by the certificate incorporating the terms of the covenant under section 19, or cancel that certificate as a folium of the register, as the case may be.

22 Consultation before protective covenant varied or cancelled

- (1) A responsible Minister shall not deliver a memorandum under section 21 for registration unless—
 - (a) in a case where the memorandum relates to a variation of, or an addition to, or the omission of, a term or condition of a protective covenant, the memorandum is accompanied by a certificate signed by the responsible Minister and, if the covenant is a covenant of the kind referred to in paragraphs (a), (b), or (c) of section 18(1), the Minister of Conservation, or if the covenant is a covenant of the kind referred to in paragraph (d) of section 18(1), the Minister for the Environment, or if the covenant relates to Wahi Tapu, the Minister of Maori Affairs, stating that the variation, addition or omission does not significantly affect the protective covenant and that public consultation in accordance with paragraph (b) is not warranted; or
 - (b) the Minister and, if the covenant is a covenant of the kind referred to in paragraphs (a), (b), or (c) of section 18(1), the Minister of Conservation, or if the covenant

is a covenant of the kind referred to in paragraph (d) of section 18(1), the Minister for the Environment, or if the covenant relates to Wahi Tapu, the Minister of Maori Affairs,—

- (i) publish a notice in a principal metropolitan newspaper circulating predominantly in Auckland, Wellington, Christchurch, and Dunedin, respectively, and in a newspaper circulating predominantly in the locality in which the licensed land is situated that—
 - (A) specifies the terms of the proposed variation, addition, omission or cancellation; and
 - (B) states that any person or organisation has the right to make submissions to those Ministers by a date specified in the notice, being a date not less than 40 working days after the date of publication of the notice and, if that person or organisation requests it, the right to appear in support of those submissions before any person appointed by those Ministers for the purpose; and
 - (ii) those Ministers have regard to any submissions made and to a report and recommendations made by the person appointed.
- (2) If a person or organisation requests the right to appear in support of any submissions before a person appointed by those Ministers, the Ministers shall appoint a suitably qualified person to receive those submissions and hear that person or organisation in support of them. The person appointed shall prepare a report and recommendations on those submissions and deliver the report and recommendations to those Ministers.
 - (3) Nothing in this section applies to the variation or cancellation of a forestry research covenant.

23 Review of protective covenants on return of land to Maori ownership

- (1) Where licensed land is returned to Maori ownership in accordance with section 36, the licensor may, by notice in writing to

the responsible Ministers, require the continuing need for, or the terms and conditions of, any protective covenant to be reviewed.

- (2) On receiving a notice under subsection (1) the responsible Ministers, together with the Minister of Conservation and the Minister of Maori Affairs, shall jointly consider whether, having regard to the fact that the licensed land has been returned to Maori ownership, the covenant is, or the terms and conditions of the covenant are, still appropriate.
- (3) If the responsible Ministers are satisfied that the covenant is not still appropriate, or that the terms and conditions of the covenant are not still appropriate, as the case may be, the responsible Ministers shall, subject to section 22, vary or cancel the protective covenant in accordance with section 21.

24 Public access easements

- (1) Every Crown forestry licence shall, where appropriate, include provisions for the creation and protection of public access rights in or over the licensed land or any part of it.
- (2) The licence shall—
 - (a) specify the nature of the access rights:
 - (b) define the access rights by reference to a plan or map of the licensed land or part of it.
- (3) Such public access rights shall be determined by the responsible Ministers in consultation with the Minister of Conservation, the Minister for the Environment, and any other persons or Maori who, or organisations that, in the opinion of the responsible Ministers, have an interest, or represent persons or Maori having an interest, in the proposed access rights.

25 Registration of public access easements

- (1) The terms of every public access easement shall be incorporated in an easement certificate which shall be signed by a responsible Minister and registered with the District Land Registrar of the district in which the licensed land is situated.
- (2) On registration of the easement certificate—

- (a) the District Land Registrar shall enter particulars of that certificate and of the easements on the register and on all relevant instruments of title; and
 - (b) where no certificate of title for the land has been issued, the District Land Registrar shall constitute the certificate a separate folium of the register.
- (3) No easement certificate shall be registered under this section unless it is accompanied by a certificate from the Chief Surveyor of the district in which the licensed land is situated that the easement is correctly described and containing such other matters as the District Land Registrar requires.
- (4) Nothing in section 90D of the Land Transfer Act 1952 applies to a public access easement.

26 Variation and cancellation of easements

- (1) Subject to section 27, any term, or covenant, or condition of any public access easement may be varied, or added to, or omitted, by a memorandum signed by a responsible Minister and registered with the District Land Registrar of the district in which the licensed land is situated.
- (2) Subject to section 27, a public access easement may be cancelled by a memorandum signed by a responsible Minister and registered with the District Land Registrar of the district in which the licensed land is situated.
- (3) The memorandum shall be registered in the same manner as an easement certificate under section 25.
- (4) On the registration of a memorandum of variation or cancellation, as the case may be, the Registrar shall—
 - (a) notify particulars of the variation or the cancellation of the easement, as the case may be, on the register and on any relevant instruments of title; and
 - (b) if no certificate of title for the land has been issued, shall notify particulars of the variation of the easement on the folium of the register constituted by the easement certificate or cancel that certificate as a folium of the register, as the case may be.
- (5) Nothing in section 90E of the Land Transfer Act 1952 applies to a public access easement.

27 Consultation before public access easement varied or cancelled

- (1) A responsible Minister shall not deliver a memorandum under section 26 for registration unless—
 - (a) in a case where the memorandum relates to a variation of, or addition to, or omission of, a term or a covenant or condition of a public access easement, the memorandum is accompanied by a certificate signed by the responsible Minister and the Minister of Conservation stating that the variation, addition or omission does not significantly affect the public access easement and that public consultation in accordance with paragraph (b) is not warranted; or
 - (b) the Minister and the Minister of Conservation—
 - (i) publish a notice in a principal metropolitan newspaper circulating predominantly in Auckland, Wellington, Christchurch, and Dunedin, respectively, and in a newspaper circulating predominantly in the locality in which the licensed land is situated that—
 - (A) specifies the terms of the proposed variation, addition, omission or cancellation; and
 - (B) states that any person or organisation has the right to make submissions to those Ministers by a date specified in the notice, being a date not less than 40 working days after the date of publication of the notice and, if that person or organisation requests it, the right to appear in support of those submissions before any person appointed by those Ministers for the purpose; and
 - (ii) those Ministers have regard to any submissions made and to a report and recommendations made by the person appointed.
- (2) If a person or organisation requests the right to appear in support of any submissions before a person appointed by those Ministers, the Ministers shall appoint a suitably qualified person to receive those submissions and hear that person or organ-

isation in support of them. The person appointed shall prepare a report and recommendations on those submissions and deliver the report and recommendations to those Ministers.

28 Review of public access easement on return of land to Maori ownership

- (1) Where licensed land is returned to Maori ownership in accordance with section 36 the licensor may, by notice in writing to the responsible Ministers, require the continuing need for, or the terms, covenants, or conditions of, a public access easement to be reviewed.
- (2) On receiving a notice under subsection (1), the responsible Ministers, together with the Minister of Conservation and the Minister of Maori Affairs, shall jointly consider whether, having regard to the fact that the licensed land has been returned to Maori ownership, the public access easement is, or the terms, covenants or conditions of the public access easement are, still appropriate.
- (3) If the responsible Ministers are satisfied that the public access easement is not still appropriate, or the terms, covenants, or conditions of the public access easement are not still appropriate, as the case may be, the responsible Ministers shall, subject to section 27, vary or cancel the public access easement in accordance with section 26.

29 Annual licence fee

- (1) Every Crown forestry licence shall provide for the payment, and periodic review, of an annual fee for the use of the licensed land.
- (2) The annual licence fee shall be a market rate agreed, or determined in a manner agreed, between the Crown and the licensee and specified in the Crown forestry licence.
- (3) For the purposes of this section, a Crown forestry licence may, if the Crown and the licensee agree,—
 - (a) provide that on a periodic review the annual licence fee shall be an amount equal to a specified percentage of the value of the licensed land:

- (b) provide that the annual licence fee shall be based on the value of the licensed land excluding improvements specified in the licence, but including the value of such of the following classes of work done on or for the benefit of the land by any owner or occupier, whether before or after the commencement of the licence, as may be referred to in the licence:
 - (i) draining, excavation, filling, reclamation, or stabilising of the land or construction of retaining walls or other works appurtenant to such draining, excavation, filling, reclamation, or stabilising:
 - (ii) grading or levelling of the land or the removal of rocks, stone, sand, or soil from the land:
 - (iii) removal or destruction of vegetation or effecting any change in the nature or character of vegetation:
 - (iv) alteration of soil fertility or the structure of the soil:
 - (v) arresting or eliminating erosion or flooding:
 - (vi) such other classes of work as may be referred to in the licence.

Section 29: substituted (with effect on 25 October 1989), on 19 December 1995, by section 3 of the Crown Forest Assets Amendment Act 1995 (1995 No 94).

29A Other provisions of Crown forestry licences

- (1) Subject to the terms of the licence, a Crown forestry licence may be assigned by the licensee at any time.
- (2) Subject to this Act, every Crown forestry licence shall confer or impose on the licensee such other rights and obligations and contain such other terms and conditions as the responsible Ministers and the licensee may agree.

Section 29A: inserted (with effect on 25 October 1989), on 19 December 1995, by section 3 of the Crown Forest Assets Amendment Act 1995 (1995 No 94).

Registration of licences

30 Registration of Crown forestry licences

- (1) Notwithstanding anything in the Land Transfer Act 1952, a Crown forestry licence may be registered under that Act and

the same registration fee shall be payable on any such licence as on a memorandum of lease.

- (2) If the licensed land is not subject to the Land Transfer Act 1952 the Crown forestry licence shall, subject to this section, be registered under that Act by constituting it a folium of the register.
- (3) Any such licence may describe the land comprised in it by reference to a diagram or an aerial photograph or in any other way; and, where a copy of that diagram or photograph is deposited in the Land Registry Office of the district where the land is situated or the diagram or photograph is endorsed on or attached to the licence, the District Land Registrar for that district shall, subject to subsection (4), on receipt of the licence in triplicate, register the licence even though a plan of the land has not been deposited in accordance with section 167 of the Land Transfer Act 1952.
- (4) No Crown forestry licence shall be registered under this section unless the applicant for registration lodges with the District Land Registrar a certificate from the Chief Surveyor for the district in which the licensed land is situated that the licensed land is Crown forest land.
- (5) Where a plan of the licensed land has not been deposited in accordance with section 167 of the Land Transfer Act 1952, the District Land Registrar shall—
 - (a) where the licensed land is subject to the Land Transfer Act 1952, endorse on the instrument of title as part of the memorial relating to the registration of the licence the words “Limited as to parcels”, and endorse on the registered copy and on the outstanding copies of the licence the words “Limited as to parcels”; and
 - (b) where the licensed land is not subject to the Land Transfer Act 1952, after constituting the licence a folium of the register, endorse on it the words “Limited as to parcels”,—

and every registered licence that is so endorsed shall have the same effect as if it were registered against a certificate of title limited as to parcels under Part 12 of the Land Transfer Act 1952.

- (6) Where a plan is deposited as required by the District Land Registrar under section 167 of the Land Transfer Act 1952 in respect of the land comprised in a licence which is limited as to parcels, the District Land Registrar shall, if necessary, without payment of any further fee,—
 - (a) where the land is subject to the Land Transfer Act 1952, endorse the instrument of title and the registered copy and the outstanding copies of the licence to show that the land to which the licence relates is no longer limited as to parcels; and
 - (b) where the licence has been constituted a folium of the register, correct the description of the land by making an appropriate endorsement on the folium of the register constituted by the licence and endorse that folium to show that the licence is no longer limited as to parcels.
- (7) Where any Crown forest land that is subject to a Crown forestry licence that constitutes a folium of the register is registered under the Land Transfer Act 1952, the District Land Registrar, before issuing a certificate of title under that Act in respect of the land, shall make all entries necessary to record the registration of the licence and every existing registered encumbrance, lien, and interest registered against it in the order of their registered priority.

31 Registration of transfers and other dealings

- (1) Where a Crown forestry licence has been registered under section 30, every transfer, mortgage, transmission, and other disposition of the licence may be registered in the same manner, subject to any modifications prescribed by any regulations made under section 32, as a similar transfer, mortgage, transmission, or disposition of a registered lease.
- (2) The same fee shall be payable on the registration of any transfer, mortgage, transmission, or other disposition of the licence, as on the registration of a similar transfer, mortgage, transmission, or other disposition of a registered lease.
- (3) The covenants, conditions, and restrictions contained or implied in a Crown forestry licence registered under section 30 may, to the extent permitted by the licence, from time to time, be varied by a memorandum of variation signed by the par-

ties for the time being and registered in a form approved by the District Land Registrar. The same registration fee shall be payable on any such memorandum of variation as on a memorandum of extension of a lease. If the licence is at the time of registration of the memorandum of variation subject to a mortgage, then the memorandum shall not be binding on the mortgagee unless the mortgagee has consented to it in writing on the memorandum.

- (4) Where a Crown forestry licence which has been registered under section 30 is rescinded or surrendered, the owner of the land subject to the licence may send a notice of rescission or surrender to the District Land Registrar, who, without further notice or inquiry and without fee, shall enter a memorial of the rescission or surrender on the register.

32 Regulations

The Governor-General may, from time to time, by Order in Council, make regulations prescribing such matters as are necessary or expedient for regulating the registration of Crown forestry licences under the Land Transfer Act 1952.

33 Application of other Acts

- (1) None of the following constitutes a subdivision of land for the purposes of Part 10 of the Resource Management Act 1991—
- (a) the grant of a Crown forestry licence:
 - (b) the termination of a Crown forestry licence or the termination of a Crown forestry licence in respect of part of the licensed land:
 - (c) the surrender or rescission of a Crown forestry licence:
 - (d) the transfer of any Crown forestry asset.
- (2) The taking of possession of any land pursuant to section 17(4)(c)(iv) is not a subdivision of land for the purposes of Part 10 of the Resource Management Act 1991.
- (3) A right of access granted or reserved by, or created as ancillary to, a Crown forestry licence shall be deemed not to be the grant of a right of way under section 348 of the Local Government Act 1974.

- (4) Nothing in sections 40 to 42 of the Public Works Act 1981 applies to the grant of any Crown forestry licence or the transfer of any Crown forestry asset under this Act.

Section 33(1): amended, on 23 July 1993, by section 2(a) of the Crown Forest Assets Amendment Act 1993 (1993 No 78).

Section 33(2): amended, on 23 July 1993, by section 2(b) of the Crown Forest Assets Amendment Act 1993 (1993 No 78).

34 Forestry rental trust

- (1) The responsible Ministers shall, on behalf of the Crown, establish by deed a forestry rental trust.
- (2) All licence fees payable under Crown forestry licences shall, until such time as the Waitangi Tribunal makes a recommendation in relation to the land under section 8HB or section 8HE of the Treaty of Waitangi Act 1975, be collected by the Crown and shall be paid into an account held in the name of the forestry rental trust.
- (3) All payments by the Crown to the forestry rental trust may be made without further appropriation than this section.

Part 3

**Return of Crown forest land to Maori
ownership and compensation**

35 Restrictions on sale of Crown forest land

- (1) The Crown shall not sell or otherwise dispose of any Crown forest land that is subject to a Crown forestry licence except in accordance with section 8.
- (2) The Crown shall not sell, assign, or otherwise dispose of, or deal with, any rights or interests in any Crown forestry licence unless the Waitangi Tribunal has made, in relation to the licensed land, a recommendation under section 8HB(1)(b) or section 8HB(1)(c) or section 8HE of the Treaty of Waitangi Act 1975.

**36 Return of Crown forest land to Maori ownership and
payment of compensation**

- (1) Where any interim recommendation of the Waitangi Tribunal under the Treaty of Waitangi Act 1975 becomes a final rec-

ommendation under that Act and is a recommendation for the return to Maori ownership of any licensed land, the Crown shall—

- (a) return the land to Maori ownership in accordance with the recommendation subject to the relevant Crown forestry licence; and
 - (b) pay compensation in accordance with Schedule 1.
- (2) Except as otherwise provided in this Act or any relevant Crown forestry licence, the return of any land to Maori ownership shall not affect any Crown forestry licence or the rights of the licensee or any other person under the licence.
- (3) Any money required to be paid as compensation pursuant to this section may be paid without further appropriation than this section.

37 Recommendation by Waitangi Tribunal that Crown forest land not liable to return to Maori ownership

- (1) Where the Waitangi Tribunal makes a recommendation in relation to Crown forest land under section 8HB(1)(b) or section 8HB(1)(c) or section 8HE of the Treaty of Waitangi Act 1975 no person shall be entitled to make any claim under section 6 of that Act in respect of the return of that land.
- (2) The responsible Ministers may, by notice in the *Gazette*, declare that Crown forest land to which subsection (1) applies, and which is not licensed land, shall cease to be Crown forest land and on the publication of the notice the land shall be Crown land subject to the Land Act 1948.

Part 4

Amendments to Treaty of Waitangi Act 1975

38 This Part to be read with Treaty of Waitangi Act 1975

This Part shall be read together with and deemed part of the Treaty of Waitangi Act 1975 (in this Part referred to as “the principal Act”).

39 Functions of Tribunal

Amendment(s) incorporated in the Act(s).

40 New heading and sections inserted
Amendment(s) incorporated in the Act(s).

41 Power of Tribunal to commission research and receive report in evidence
Amendment(s) incorporated in the Act(s).

Part 5

Amendments to other Acts

42 Amendments to Maori Affairs Act 1953
[Repealed]
Section 42: repealed, on 1 July 1993, by section 362(2) of the Te Ture Whenua Maori Act 1993 (1993 No 4).

43 Amendment to Income Tax Act 1976
[Repealed]
Section 43: repealed (with effect on 25 October 1989), on 19 December 1989, by section 4(5) of the Income Tax Amendment Act (No 4) 1989 (1989 No 150).

44 Amendments to Conservation Act 1987
Amendment(s) incorporated in the Act(s).

Schedule 1

s 36

Compensation payable to Maori

- 1 Compensation payable under section 36 shall be payable to the Maori to whom ownership of the land concerned is transferred.
- 2 That compensation shall comprise—
 - (a) 5% of the specified amount calculated in accordance with clause 3 as compensation for the fact that the land is being returned subject to encumbrances; and
 - (b) as further compensation, the remaining portion of the specified amount calculated in accordance with clause 3 or such lesser amount as the Tribunal may recommend.
- 3 For the purposes of clause 2, the specified amount shall be whichever of the following is nominated by the person to whom the compensation is payable—
 - (a) the market value of the trees, being trees which the licensee is entitled to harvest under the Crown forestry licence, on the land to be returned assessed as at the time that the recommendation made by the Tribunal for the return of the land to Maori ownership becomes final under the Treaty of Waitangi Act 1975. The value is to be determined on the basis of a willing buyer and willing seller and on the projected harvesting pattern that a prudent forest owner would be expected to follow; or
 - (b) the market stumpage, determined in accordance with accepted forestry business practice, of wood harvested under the Crown forestry licence on the land to be returned to Maori ownership from the date that the recommendation of the Tribunal for the return of the land to Maori ownership becomes final under the Treaty of Waitangi Act 1975. If notice of termination of the Crown forestry licence as provided for under section 17(4) is not given at, or prior to, the date that the recommendation becomes final, the specified amount shall be limited to the value of wood harvested as if notice of termination had been given on that date; or

- (c) the net proceeds received by the Crown from the transfer of the Crown forestry assets to which the land to be returned relates, plus a return on those proceeds for the period between transfer and the return of the land to Maori ownership.

- 4 For the purposes of clause 3(c), if the land to be returned is included within an area that was offered for sale as a single lot, the transfer proceeds in relation to each hectare of land returned to Maori ownership shall be not less than an amount equal to the average price per hectare of the forest lot specified in the selling process; except that—
- (a) where a bid is accepted for a number of lots as 1 parcel, the average price shall be based on the price for the total parcel; and
 - (b) where the lot concerned had an average age of less than 5 years, the average price applied shall be the average price of all lots transferred within the same Crown Forestry Management Limited administrative district existing at the time of transfer.

Schedule 1 clause 4(b): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

- 5 For the purposes of clause 3(c), the return on the proceeds received by the Crown shall be—
- (a) such amount as is necessary to maintain the real value of those proceeds during either—
 - (i) in the case where the claim was filed before the transfer occurred, a period of not more than 4 years from the date of transfer of the Crown forestry assets; or
 - (ii) in the case where the claim was filed after the date of transfer of the Crown forestry assets, the period from the date of transfer of the Crown forestry assets to the date of expiration of 4 years after the claim was filed; and
 - (b) in respect of any period after the period described in subparagraph (i) or subparagraph (ii) of paragraph (a)

(as extended under clause 6), equivalent to the return on 1 year New Zealand Government stock measured on a rolling annual basis, plus an additional margin of 4% per annum.

For the purposes of this clause, a claim shall be deemed to be filed on such date as is certified by the Registrar of the Tribunal.

- 6 The period of 4 years referred to in clause 5 may be extended by the Tribunal where the Tribunal is satisfied—
- (a) that a claimant with adequate resources has wilfully delayed proceedings in respect of a claim; or
 - (b) the Crown is prevented, by reasons beyond its control, from carrying out any relevant obligation under the agreement made on 20 July 1989 between the Crown, the New Zealand Maori Council, and the Federation of Maori Authorities Incorporated.
- 7 All payments under this schedule, other than payments for the purposes of clause 3(b), shall be made within 2 months after the date of the Tribunal's recommendation, or such later date as the Tribunal may direct, or the parties may agree.
- 8 All payments for the purposes of clause 3(b) shall be calculated at 3 monthly intervals and shall be paid within one month of the relevant 3 monthly period.
- 9 Payments under this schedule, other than payments made for the purposes of clause 3(c) on which interest is payable in accordance with clause 5(b), shall not bear interest.
-

Schedule 2
Maori owned land that is not Crown forest land

s 2(1)

Lessor	Description	Area (hectares)	Date of lease
The Maori Trustee	Parengarenga 3G	511	16 January 1975
The Proprietors of Parengarenga A	Parengarenga A and B2B	6 248	18 September 1981
Ross Wright and others	Pouto Topu 2F	1 392	10 December 1977
The Proprietors of Otakanini—Topu	Otakanini—Topu	680	8 August 1969
The Proprietors of Tainui-Kawhia	Tainui-Kawhia	1 138	22 January 1977
Tuhoe-Waikaremoana Maori Trust Board	Te Manawa-o-Tuhoe	2 117	9 February 1979
Autiti Wikiriwhi	Rotomahana Parekarangi 6N2B	113	19 April 1985

Reprinted as at
1 October 1998

Crown Forest Assets Act 1989

Schedule 2

Lessor	Description	Area (hectares)	Date of lease
Les Gibson and others	Rotomahana Parekarangi 602B	253	19 April 1985
The Maori Trustee	Te Whaiti nui-a-Toi	2 008	28 July 1976
Hepi Hoani Te Heu Heu and others	Lake Taupo Forest	30 237	5 June 1969
Hepi Hoani Te Heu Heu and others	Rotoaira Forest	16 447	5 March 1980
The Maori Trustee	Kahotea Y	56	16 October 1978
The Proprietors of Mangaoporo Section 9 Block VIII	Mangaoporo	283	1 September 1979
Hatara Francis Awarau and others	Waipiro A4B	338	20 December 1982

Lessor	Description	Area (hectares)	Date of lease	Reprinted as at 1 October 1998
				Crown Forest Assets Act 1989
The Proprietors of Mangahauini 7 and Adjoining blocks	Mangahauini 7	151	14 February 1983	Schedule 2
The Proprietors of Waipiro A5 Block	Waipiro A5	131	13 October 1983	
Robert Mokopuna Toki Cottrell and others	Te Awahohonu	8 428	17 March 1977	
The Maori Trustee	Tokararangi Blocks	2 066	2 February 1980	
The Maori Trustee	Pikaungaehe	40	2 August 1965	
The Maori Trustee	Te Kao 71C	8	4 May 1967	
The Maori Land Board	Lot 1 Deposited Plan 84535	4	4 December 1978	

Sub-licence of deferred payment licence

Sub-licensor	Description	Area (hectares)	Date of sub-licence
Aupouri Maori Trust Board	Onepu	436	17 November 1982

Schedule 2

Crown Forest Assets Act 1989

Reprinted as at
1 October 1998

Schedule 3
Initial term of Crown forestry licences

s 17

District or forest	Initial fixed term
Northland	10
Auckland	5
Bay of Plenty	5
East Coast	10
Hawkes Bay	5
Lismore forest	5
Nelson	5
Westland	
—North	5
—South	20
Aorangi	10
Otago	10
Southland	10

Crown Forest Assets Amendment Act 1995

Public Act 1995 No 94
Date of assent 19 December 1995
Commencement see section 1(2)

1 **Short Title and commencement**

- (1) This Act may be cited as the Crown Forest Assets Amendment Act 1995 and shall be read together with and deemed part of the Crown Forest Assets Act 1989 (in this Act referred to as “the principal Act”).
- (2) Sections 2 and 3 shall be deemed to have come into force on 25 October 1989.

4 **Validation of certain Crown forestry licences**

- (1) For the avoidance of doubt it is hereby declared that every Crown forestry licence granted under section 14 of the principal Act before the commencement of this section shall be deemed to comply, and to have always complied, with sections 29 and 29A of the principal Act (as enacted by section 3).
 - (2) In every Crown forestry licence granted under section 14 of the principal Act before the commencement of this section, the terms **drainage works** and **erosion works** shall be deemed to have, and always to have had, the meanings given to those terms by section 2(1) of the principal Act (as amended by section 2).
 - (3) This section shall have effect notwithstanding any judgment or determination or order of any court given before or after the commencement of this section in any proceedings commenced before the commencement of this section.
-

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Crown Forest Assets Act 1989. The reprint incorporates all the amendments to the Act as at 1 October 1998, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 ***List of amendments incorporated in this reprint
(most recent first)***

Ngāi Tahu Claims Settlement Act 1998 (1998 No 97): section 42
State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122): clause 3
Crown Forest Assets Amendment Act 1995 (1995 No 94)
Crown Forest Assets Amendment Act 1993 (1993 No 78)
Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)
Crown Forest Assets Amendment Act 1992 (1992 No 135)
Income Tax Amendment Act (No 4) 1989 (1989 No 150): section 4(5)