

FORESTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill provides for several amendments to the Forests Act 1949.

Section 26 of the principal Act provides that every working plan of State forest land shall specify both the maximum area from which forest produce may be disposed of and the maximum quantity of forest produce that may be disposed of. *Clause 2* substitutes a requirement that every working plan shall specify one or both of these matters, as the Director thinks fit.

Section 46 of the principal Act makes it an offence to light fires on or within one mile of State forest land *without lawful authority*. *Clause 3* amends the section by specifying that the necessary authority must be given by a Forest Officer or a Fire Officer appointed under the Forest and Rural Fires Act 1947. Doubt exists at present as to who can give the authority.

Clause 4 rewrites section 52 of the principal Act, which relates to the costs of fire fighting and appeals in connection with those costs so as to bring the section into line with the corresponding provisions set out in section 17 of the Forest and Rural Fires Amendment Act 1952. The class of persons who may be required, at the discretion of the Minister, to contribute to the costs of fire fighting is extended so as to include lessees, licensees, and occupiers, as well as owners, of the land and property which attract liability. The only other material change made by the clause is that it requires appeals relating to the costs of fire fighting to be in writing setting out the grounds of the appeal.

Clause 5 makes it clear that the prohibition on export in section 69 of the principal Act extends to all diseased trees, tree seeds, timber, and timber products. It also gives express authority to make regulations prescribing inspection fees.

Hon. Mr Corbett

FORESTS AMENDMENT

ANALYSIS

Title.	3. Unlawful lighting of fires on or near State forest land.
1. Short Title.	4. Costs of fire fighting.
2. Working plans.	5. Control of injurious importations and of exportations.

A BILL INTITULED

AN ACT to amend the Forests Act 1949.

Title.

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

- 5 **1.** This Act may be cited as the Forests Amendment Act 1953, and shall be read together with and deemed part of the Forests Act 1949 (hereinafter referred to as the principal Act).
- 10 **2.** Section twenty-six of the principal Act is hereby amended by repealing paragraphs (b) and (c) of subsection three, and substituting the following paragraph:
- 15 “(b) The maximum area from which forest produce may be disposed of or the maximum quantity of forest produce that may be disposed of or both, as the Director thinks fit; and”.
- 20 **3.** Section forty-six of the principal Act is hereby amended by omitting from paragraph (a) and also from paragraph (b) the words “Without lawful authority”, and substituting in each case the words “Without the written authority of a Forest Officer, or of a Fire Officer appointed under the Forest and Rural Fires Act 1947”.

Short Title.

1949, No. 19

Working plans.

Unlawful lighting of fires on or near State forest land.

1947, No. 34

Costs of
fire fighting.

4. The principal Act is hereby amended by repealing section fifty-two, and substituting the following section:

“52. (1) In any case where there has been an outbreak of fire which has menaced State forest land or anything thereon and which has been controlled or suppressed by a Forest Officer or other person duly authorized in that behalf, the whole or any portion of the costs incurred shall, if the Minister so determines, be payable by all or any of the following persons:

“(a) Any owner, lessee, licensee, or occupier of the land on which the fire occurred:

“(b) Any owner, lessee, licensee, or occupier of any property which was menaced by the fire.

“(2) The amount of the costs so determined by the Minister to be payable by any person shall be paid into the Public Account at such times and by such instalments as the Minister determines, and that amount shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.

“(3) If any owner, lessee, licensee, or occupier to whom paragraph (a) or paragraph (b) of subsection one of this section applies is dissatisfied with the determination made by the Minister pursuant to subsection one of this section for the payment of costs incurred in the control or suppression of any fire, that owner, lessee, licensee, or occupier may, at any time within one month after notice of the Minister's determination has been given to him, appeal, in writing setting out the grounds of the appeal, to the Fires Appeal Tribunal established under the Forest and Rural Fires Act 1947 against the determination.

“(4) On hearing the appeal the Fires Appeal Tribunal may cancel or vary the determination, or may confirm it, either absolutely or subject to such conditions and modifications as the Fires Appeal Tribunal deems just, and the decision of the Fires Appeal Tribunal shall be final and conclusive.

“(5) Pending the determination of the appeal the Minister's determination which has been appealed against shall be deemed to be suspended.”

5. Section sixty-nine of the principal Act is hereby amended—

Control of
injurious
importations
and of
exportations.

- 5 (a) By inserting in subsection one, after the words
“ export from New Zealand any tree, tree
seed, timber, or timber product ”, the words
“ which may contain any insect, fungus,
bacterium, or virus in any of the life stages of
those organisms that may be injurious to or
may cause an unhealthy condition in any tree,
tree seed, timber, or timber product, or ”:
- 10 (b) By inserting in paragraph (d) of subsection four,
after the words “ made for ”, the words “ the
inspection of trees, tree seeds, timber, or
timber products, or for ”.