



**THE FOREST PRODUCE IMPORT AND EXPORT REGULATIONS
1989**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 31st day of July 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Forests Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Appointment of quarantine officers 4. Quarantine officer's right of entry and associated powers <p style="text-align: center;">PART I
IMPORTS</p> <ol style="list-style-type: none"> 5. Information required relating to importation 6. Inspection of forest produce being imported 7. Requirements for clearance, disinfection, treatment, disposal, or destruction 8. Removal of imported forest produce or container from landing place | <ol style="list-style-type: none"> 9. Costs of inspection, and other costs and expenses 10. Failure to deposit or treat forest produce or container in a specified place 11. Entry into quarantine ground 12. Introduction or removal of forest produce or goods to or from quarantine ground <p style="text-align: center;">PART II
EXPORTS</p> <ol style="list-style-type: none"> 13. Notice to be given to regional manager before any forest produce is exported 14. Inspection by quarantine officer of forest produce intended for export |
|--|---|

15. Where phytosanitary certificate required for forest produce intended for export
16. Costs of inspection

PART III

MISCELLANEOUS

17. Offences and penalties

18. Amount of goods and services tax included
19. Crown or quarantine officer not liable
20. Revocations
Schedules

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Forest Produce Import and Export Regulations 1989.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Forest Act 1949:

“Carrier” means any person who, in the ordinary course of that person’s business, carries by ship or air, or arranges to be carried by ship or air, into New Zealand any cargo owned by any other person; and includes any agent of that carrier:

“Container” means a container, for the carriage of goods by land, sea, or air, being designed and used for the purposes of the method commonly known as the container trade:

“Dunnage” means any forest produce or any wood-based produce carried on a vessel or aircraft for the purpose of assisting with protecting and securing any cargo; but does not include packing cases or pallets on which cargo is loaded or any forest produce or any wood-based product carried as cargo:

“Exporter” includes the owner, or consignor, or the agent for the owner or consignor of any forest produce which it is intended to export:

“Forest produce” means timber, timber produce, the produce of trees, and dunnage; but does not include any living tree or plant or any part thereof suitable for propagation, or any tree seed or wood wool:

“FCL” means a container holding a consignment of goods for one consignee:

“Import” includes introduction within the outer limits of the territorial sea of New Zealand; and, in relation to any forest produce, the period of importation implied by the term “import” shall include the period between the time of the arrival of the forest produce within the outer limits to the territorial sea of New Zealand and the time when the importer disposes of the forest produce by any means whatever:

“Importer”, in relation to any forest produce that is imported or is intended to be imported into New Zealand, includes any person by or for whom any forest produce is imported or is intended to be imported, the consignee of any forest produce, and any person who is or becomes the owner of or bailee of or entitled to the possession of or beneficially interested in the forest produce on or at any time before or after its importation, the agent for the owner, bailee, or consignee of any forest produce; but does not include the carrier of the forest produce:

“Infection” means—

(a) In relation to any forest produce, any sign of any organism or any of the life stages of any organism that may be injurious to or cause any unhealthy condition in any tree, tree seed, timber, or timber produce or may, in the opinion of the quarantine officer, have had direct or indirect contact or been in association with, or been in the vicinity of, any disease, pest, or infected material or forest produce; and

(b) In relation to any package, container, or pallet, any case container, cargo container, or other package or packing material in which any disease or pest or pestiferous or infected forest produce or material is or has been packed, or which in the opinion of a quarantine officer may have had direct or indirect association with, or been in the vicinity of, any disease or pest, or any diseased, pestiferous, or infected forest produce or material:

“LCL” means a container holding goods for more than one consignee:

“Quarantine ground” includes any place or area in which forest produce may be detained by direction of a quarantine officer for the purpose of observation or for the purpose of inspecting, treating, disinfecting, destroying, or otherwise disposing of forest produce:

“Quarantine officer” means a person appointed to act as a quarantine officer under regulation 3 of these regulations:

“Regional Manager” means—

(a) In relation to any imported forest produce, the Regional Manager for the region in which is situated the port, airport, or other place of entry of the forest produce; and

(b) In relation to any forest produce which is intended to be exported, the Regional Manager for the region in which is situated the port, airport, or other place from which the forest produce is intended to be exported:

“Revenue tonne” means one cubic metre or one metric tonne, whichever is the greater.

(2) In these regulations a reference to a numbered form is a reference to the form so numbered in the First Schedule to these regulations.

3. Appointment of quarantine officers—The Secretary of Forestry may from time to time appoint any Forestry Officer or other suitable person to act as a quarantine officer for the purpose of these regulations, and every quarantine officer so appointed shall have all the powers and authorities conferred on the quarantine officer by the Act and these regulations.

4. Quarantine officer’s right of entry and associated powers—Subject to section 71B of the Act, any quarantine officer may at any time enter any land, premises, vehicle, conveyance, or upon any wharf, bulk cargo container, drilling rig, or board any ship or aircraft wherever in New Zealand or within the outer limits of the territorial sea of New Zealand for the purpose of inspecting and of searching for, examining, carrying out any tests on, removing, treating, disinfecting, destroying, or otherwise disposing of any sample of forest produce; and may take all such steps and have all such powers and authorities as are necessary to enable the quarantine officer to enforce these regulations and prevent the introduction or spread of any infection.

PART I

IMPORTS

5. Information required relating to importation—(1) Every importer of any forest produce into New Zealand shall, immediately upon the importation, produce the forest produce and make the same accessible to a quarantine officer for inspection.

(2) The master, owner, or agent of every vessel, ship, or drilling rig entering the territorial sea of New Zealand shall, not later than 12 hours before the estimated time of arrival at the port or other place of entry, inform the quarantine officer at that port or nearest to the place of entry of the estimated time of arrival of the vessel, ship, or drilling rig.

(3) The master of every vessel or ship importing forest produce into New Zealand shall, before the discharge of the cargo, supply to the quarantine officer at the place of discharge a copy of the full manifest of the cargo, including any pallets on board the vessel or ship, together with a list of all containers on board for discharge at that port.

6. Inspection of forest produce being imported—A quarantine officer may inspect for the purposes of these regulations all forest produce imported into New Zealand.

7. Requirements for clearance, disinfection, treatment, disposal, or destruction—(1) If upon such inspection of the forest produce, or any part thereof, the quarantine officer has reasonable cause to suspect that the forest produce is not free from every infection, the quarantine officer may, by giving notice in Form MF-M1, require the importer to—

(a) Deposit the forest produce or container in a quarantine ground for observation, treatment, or disinfection; or

(b) Treat or disinfect the forest produce or container in such manner and for such period of time as the quarantine officer may direct in order to free the forest produce from every infection; or

(c) Treat the forest produce by heat, fumigation, or such other treatment as may be prescribed by the quarantine officer, or reship, destroy, or otherwise dispose of the forest produce to the satisfaction of the quarantine officer, if in the opinion of that officer the forest produce cannot effectively be treated or disinfected or if, after being so treated or disinfected, the forest produce is not (in the opinion of the quarantine officer) free from every infection; but the quarantine officer may first attach to the forest produce or any part thereof a notice in Form MF-M2 directing that the forest produce or any part thereof may not be removed without the permission of a quarantine officer.

(2) On the completion of the treatment of the forest produce or container and on being satisfied that the forest produce or container is, in the opinion of the quarantine officer, free from every infection, the quarantine officer shall give a quarantine certificate in Form MF-M1.

(3) The importer shall remove the forest produce or container from the quarantine ground within a period of 7 days after receiving a quarantine certificate in Form MF-M1.

8. Removal of imported forest produce or container from landing place—No person shall remove any forest produce imported into New Zealand from any wharf, airport, cargo terminal, or other place at which it is first landed without the permission of a quarantine officer:

Provided that a quarantine officer may issue a notice in Form MF-M1 directing the importer to remove the forest produce to a place to be specified in the notice for inspection there by a quarantine officer, and the importer shall not utilise the forest produce or remove it from the specified place unless permission to do so has been given by a quarantine officer.

9. Costs of inspection, and other costs and expenses—(1) The costs of inspection of any such forest produce shall be paid on demand by the importer to the Secretary of Forestry or to such other person or organisation as the Secretary of Forestry shall appoint in that behalf at the rates prescribed in the Second Schedule hereto, and shall be a debt due to the Crown. The person or organisation so appointed shall be entitled to retain out of the aforesaid costs paid to that person or organisation by the importer, such part in respect of expenses as the Secretary shall deem reasonable. The issuing of any certificate or notice under regulation 7 of these regulations shall be sufficient evidence of the inspection in the absence of proof to the contrary.

(2) No charge shall be payable for the inspection of dunnage.

(3) All costs and expenses incurred in the deposit in or transport to a quarantine ground, and in the handling, treatment, and disinfection, and the reshipping, destruction, or other disposal of any forest produce under regulation 7 of these regulations shall upon demand be payable by the importer to the Secretary of Forestry and shall be a debt due to the Crown.

(4) The importer shall, on demand, pay the costs of storing the forest produce to the Secretary of Forestry and those costs shall be a debt due to the Crown.

10. Failure to deposit or treat forest produce or container in a specified place—If any person fails to deposit any forest produce or container in a specified place or arrange treatment in pursuance of a notice given under regulation 7 of these regulations, it shall be lawful for any quarantine officer to take possession of the forest produce and cause it to be conveyed to and deposited in the specified place or in any quarantine ground, and to be treated, disinfected, or destroyed at the importer's expense.

11. Entry into quarantine ground—(1) No person shall enter, or take any vehicle into, a quarantine ground without the permission of a quarantine officer.

(2) Every person employed in or visiting a quarantine ground shall obey all orders and carry out all instructions given by any quarantine officer, and shall assist in every way in that person's power to prevent the spread of any infection.

12. Introduction or removal of forest produce or goods to or from quarantine ground—(1) No person shall take forest produce or goods of any description whatever into a quarantine ground without the permission of a quarantine officer and without compliance with any conditions specified by the quarantine officer when granting permission, and, if any forest produce or goods other than those permitted by the quarantine officer, are found on a quarantine ground, the forest produce or goods may be destroyed or otherwise dealt with as the Secretary of Forestry directs.

(2) No forest produce shall be removed from a quarantine ground or other specified treatment area without the permission of a quarantine

officer, and any forest produce so removed may be seized and placed in any quarantine ground by any quarantine officer.

PART II

EXPORTS

13. Notice to be given to regional manager before any forest produce is exported—(1) Any person intending to export any forest produce from New Zealand shall give to the Regional Manager not less than 10 days' previous notice in Form MF-M3 of the intention, and the notice shall contain a full description of the forest produce (including the timber species, grade, quantity, marks, and brands), the name of the ship, and the port or airport or other place from which, and the date on which, the forest produce is to be exported.

(2) No person shall export any forest produce from New Zealand until a notice of intention to export in Form MF-M3 has been applied for by the exporter and certified as received by a quarantine officer and a copy thereof forwarded to the Collector of Customs.

14. Inspection by quarantine officer of forest produce intended for export—(1) No person shall export from New Zealand any forest produce that does not comply with the phytosanitary requirements and regulations of the importing country.

(2) Where the phytosanitary requirements and regulations of the importing country require a phytosanitary certificate from the country of export, forest produce intended for export from New Zealand shall be made available and directly accessible by the exporter for inspection by a quarantine officer and at the time of inspection shall comply with the phytosanitary requirements and regulations of the importing country.

(3) A quarantine officer may inspect for the purposes of these regulations forest produce intended to be exported from New Zealand.

15. Where phytosanitary certificate required for forest produce intended for export—(1) If, in the opinion of a quarantine officer, the forest produce intended to be exported complies with the then current phytosanitary regulations and requirements of the importing country, and, if the importing country requires a phytosanitary certificate from the country of export, the forest produce at the time of inspection is substantially free from infection, the quarantine officer shall issue a phytosanitary certificate in Form 8/8A stating that the said forest produce has been inspected and at the time of inspection is to the best of the quarantine officer's knowledge and belief, substantially free from infection and is believed to comply with the then current phytosanitary regulations or requirements of the importing country.

(2) If the forest produce or any part of it is not exported by the date specified in the notice of intention to export, a quarantine officer may cancel the phytosanitary certificate, in which case the quarantine officer shall notify the Collector of Customs in Form MF-M1 of the cancellation. If the quarantine officer has reasonable cause to suspect that the forest produce or any part of it has become infected by any infection since the granting of the certificate, the certificate shall be cancelled, and the quarantine officer shall notify the Collector of Customs in Form MF-M1 of the cancellation.

(3) If upon any such inspection the quarantine officer has reasonable cause to suspect that the forest produce is not free from infection, or if the forest produce does not otherwise comply with these regulations, the quarantine officer shall, by notice in writing in Form MF-M1 to the Collector of Customs, direct that the forest produce shall not be exported.

16. Costs of inspection—The costs of inspection of forest produce intended to be exported shall be paid by the exporter to the Secretary of Forestry at such rates as are prescribed in the Second Schedule to these regulations, and shall be payable on demand and shall be a debt due to the Crown. The issuing of any certificate under regulation 15 of these regulations shall be sufficient evidence of the inspection in the absence of proof to the contrary.

PART III

MISCELLANEOUS

17. Offences and penalties—(1) Every person commits an offence against these regulations who—

- (a) Imports or attempts to import into New Zealand any forest produce or container contrary to the provisions of these regulations;
- (b) Exports or attempts to export from New Zealand any forest produce or container contrary to the provisions of these regulations;
- (c) Removes or attempts to remove any forest produce imported into New Zealand from any wharf, seaport, airport, land, or place specified in regulation 7 of these regulations, without first having obtained the permission of a quarantine officer;
- (d) Not being a quarantine officer, removes or attempts to remove from any forest produce or part thereof any notice attached to it under regulation 7 of these regulations;
- (e) Takes any forest produce into or from a quarantine ground without the permission of a quarantine officer;
- (f) Enters or leaves any quarantine ground without the permission of a quarantine officer;
- (g) Obstructs any quarantine officer acting under the authority of these regulations.

(2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$2,000, and, if the offence is a continuing one, to a further fine not exceeding \$200 for every day during which the offence continues; and in the case of a body corporate to a fine not exceeding \$12,000, and if the offence is a continuing one to a further fine not exceeding \$1,200 for every day during which the offence continues.

18. Amount of goods and services tax included—The charges set out in the Second Schedule to these regulations are inclusive of goods and services tax imposed under the Goods and Services Tax Act 1985.

19. Crown or quarantine officer not liable—The Crown or any quarantine officer shall not be liable for any loss or damage suffered by any importer, carrier, or exporter of forest produce as a result of any delay in inspecting or treating any forest produce.

20. Revocations—The regulations specified in the Third Schedule to these regulations are hereby revoked.

SCHEDULES

Regs. 7, 8, 15

FIRST SCHEDULE

THE MINISTRY OF FORESTRY

Form MF-M1

To:		No.
..... and Collector of Customs		
Vessel/Mode Voyage		
BRAND/MARK	VOLUME (QUANTITY)	DESCRIPTION
<p>The forest produce described above is: (delete those not applicable)</p> <p>CLEARED/NOT CLEARED FOR IMPORTATION/EXPORT</p> <p>TO BE TREATED AS SPECIFIED BELOW</p> <p>TO BE DISPOSED OF AS SPECIFIED BELOW</p> <p>OR</p> <p>THE PHYTOSANITARY CERTIFICATE IS CANCELLED</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		
Location	Date	Quarantine Officer
REMARKS:		Official Stamp

Q
U
A
R
A
N
T
I
N
E

 C
E
R
T
I
F
I
C
A
T
E

 —

 F
O
R
E
S
T

 P
R
O
D
U
C
E

FIRST SCHEDULE—continued

Form MF-M2

NOTICE TO IMPORTER
These goods have been placed in

QUARANTINE

NOTE: ANY PERSON FOUND REMOVING OR ATTEMPTING TO REMOVE THIS FOREST PRODUCE OR THIS NOTICE MAY BE LIABLE TO A FINE.

NUMBER: Cases/Crates/Pallets/Skids/(Other)
REASON: Live Insects/Insect Damage/Fungal Decay
ACTION: To be Fumigated/Burnt/Kiln Sterilised/(Other)
AT:

MARKS: IMPORTER/CONSIGNEE:
.....
.....
.....

Forest Produce Import & Export
Regulations 1989 Reg. 7

Quarantine Officer
Phone or

FIRST SCHEDULE—continued

NOTICE OF INTENTION TO EXPORT

Form MF-M3

Exporter/Consignor		NOTICE OF INTENTION TO EXPORT Form No. MF-M3 Forest Produce Import and Export Regulations 1989 (Reg. 13)					
Consigned to		(a) TO: REGIONAL MANAGER , _____ I HEREBY GIVE NOTICE of my intention to export the forest produce described in this entry, and I HEREBY DECLARE that the particulars set out in this entry were, at the date of this declaration, true and correct in every respect. Signature of Exporter: Date: / /					
Notify Party	 (for Regional Manager) Received the within application—Date: / / (b) TO: COLLECTOR OF CUSTOMS					
Ship	Airline	Post	Sea/Air port of loading	Net weight or other use	Gross weight kgs	Measurement	
			NEW ZEALAND				
Sea/Air port of discharge			Final destination (if on carriage)				
Marks and numbers and brands:		Number and kind of packages:	Description of goods:				
				D/F	Export Item	Quantity m ³	F.O.B. value \$NZ
Species:			Date to be exported:				

FIRST SCHEDULE—continued

PHYTOSANITARY CERTIFICATE

Form 8/8A

Exporter/Consignor						
Consigned to						
Notify Party						
Ship	Airline	Post	Sea/Air port of loading	Net weight or other use	Gross weight kgs	Measurement
			NEW ZEALAND			
Sea/Air port of discharge			Final destination (if on carriage)			
Marks and numbers and brands:	Number and kind of packages:	Description of goods:				
			D/F	Export Item	Quantity m ³	F.O.B. value \$NZ
Species:		Date to be exported:				
PHYTOSANITARY CERTIFICATE FOREST PRODUCE TO BE EXPORTED 111/: MINISTRY OF FORESTRY Fumigation or other treatment before export (if required by importing country) Date: Treatment: Duration: Chemical: Temperature: Concentration:					FORM NO. 8/8A FOREST PRODUCE IMPORT AND EXPORT REGULATIONS 1989 (Reg. 15)	
This is to certify that the forest produce described above [or representative samples of it] has been inspected by a Quarantine Officer and at the time of inspection, on/...../....., found to the best of his knowledge and belief to be substantially free of infection, and is believed to conform to the current phytosanitary regulations or requirements of the importing country.						OFFICIAL STAMP CERTIFICATE NOT VALID UNTIL OFFICIAL STAMP AFFIXED
..... Quarantine Officer						

Regs 9 (1) and 16

SECOND SCHEDULE
COSTS OF INSPECTING FOREST PRODUCE

	\$
1. Forest produce imported by sea —The costs of inspecting forest produce imported by sea shall be—	
(a) For forest produce in sawn or round form, per cubic metre	4.20
(b) For inspections in relation to bulk cargo containers—	
(i) For each FCL	8.50
(ii) For each LCL per revenue tonne or part thereof	3.00
(c) For inspections in relation to other cargo not charged, for each landed item, per revenue tonne or part thereof	0.25
2. Forest produce exported —The costs of inspecting forest produce to be exported from New Zealand shall be—	
(a) For forest produce to be exported in round form, per cubic metre	0.55
(b) For forest produce in sawn form, per cubic metre	0.87
(c) For forest produce not in sawn or round form, per consignment	28.10

Reg. 20

THIRD SCHEDULE
REGULATIONS REVOKED

Title	Reference
The Forest Produce Import and Export Regulations 1966	S.R. 1966/122
The Forest Produce Import and Export Regulations 1966, Amendment No. 2	S.R. 1972/256
The Forest Produce Import and Export Regulations 1966, Amendment No. 5	S.R. 1977/230
The Forest Produce Import and Export Regulations 1966, Amendment No. 8	S.R. 1987/237
The Forest Produce Import and Export Regulations 1966, Amendment No. 9	S.R. 1987/417
The Forest Produce Import and Export Regulations 1966, Amendment No. 10	S.R. 1988/152

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, consolidate and amend the Forest Produce Import and Export Regulations 1966.

Changes have been made to bring the regulations into line with the container trade and the charges for inspections have been revised.

The penalty of imprisonment for a breach of the regulations has been omitted.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 August 1989.

These regulations are administered in the Ministry of Forestry.