



ANALYSIS

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1953, No. 42

Title.

AN ACT to amend the Forests Act 1949.

[5 November 1953

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

Short Title.

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).

1949, No. 19

Working plans.

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:

“(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 ”.

Unlawful lighting of fires on or near State forest land.

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 ”.

1947, No. 34

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

“ 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. 1947, No. 34

“(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.”

Control of
injurious
importations
and of
exportations.

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

- (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 ”:
- (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 ”.
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