

Forests Amendment Act 1993

Public Act 1993 No 7
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An Act to amend the Forests Act 1949

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Forests Amendment Act 1993, and shall be read together with and deemed part of the Forests Act 1949 (hereinafter referred to as the principal Act).
- (2) Section 4 of this Act shall come into force on the day on which this Act receives the Royal assent.
- (3) Except as provided in subsection (2) of this section, this Act shall come into force on the 1st day of July 1993.

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7 **Transitional provisions relating to section 67D of principal Act**

- (1) Notwithstanding anything in section 67D of the principal Act (as inserted by section 3 of this Act)—
- (a) Sawmills are not required to be registered until 3 months after the commencement of this Act:
 - (b) During the period beginning with the 3rd day of July 1992 and ending with the close of 4 years after that date, any quantity of indigenous timber to which the said section 67D applies not exceeding the relevant allowable cut may be milled at a registered sawmill:
 - (c) For the purposes of paragraph (b) of this subsection, every sawmill shall be deemed to be a registered sawmill under the principal Act during the period referred to in paragraph (a) of this subsection; but, if the sawmill is not registered under the principal Act before the expiration of that period, the rights conferred by the said paragraph (b) shall be deemed to be suspended on the expiration of that period and those rights shall not be exercisable until the mill is registered under the principal Act.
- (2) For the purposes of this section, the term **allowable cut**, in relation to any sawmill, means—
- (a) The quantity of indigenous timber that the Secretary states in writing—
 - (i) Was removed from land subject to Part 3A of the principal Act (as so inserted); and
 - (ii) Was cut at the sawmill during the 2-year period ending with the close of the 2nd day of July 1992; or
 - (b) The allowable cut determined by the Minister under subsection (4) of this section.

- (3) In any year during the period specified in subsection (1)(b) of this section, an operator of any sawmill shall not mill more than half of the total allowable cut in respect of that period.
- (4) On the application of the operator or owner of a sawmill, the Minister may vary the allowable cut.

8 Compensation

- (1) Notwithstanding any other enactment or rule of law,—
 - (a) Subject to subsection (2) of this section, the Crown shall not be liable to pay compensation to any person or in any other manner in respect of or as a result of any decision or purported decision of the Minister of Customs made under the Customs Act 1966 or the Export Prohibition Regulations 1953, being a decision or purported decision made before the 31st day of December 1993 restricting or prohibiting the export of indigenous timber:
 - (b) All amounts paid by the Crown in respect of claims arising out of any such decision by the Minister of Customs shall be deemed to have been paid in full and final settlement of such claims, but shall not be regarded as an admission of liability by the Crown:
 - (c) Nothing effected or authorised by or under any provision inserted in the principal Act by this Act, or by any other provision of this Act, shall be regarded as making the Crown guilty of a civil wrong or making the Crown liable to pay compensation to any person.
- (2) Every claim against the Crown in respect of or as a result of any decision referred to in subsection (1)(a) of this section, being a claim received but not determined by the Crown before the 3rd day of July 1992, shall be determined by the Crown having regard to similar claims (if any) determined by the Crown before that date.