



Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024

Public Act 2024 No 25
Date of assent 29 June 2024
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1

Amendments to Forests Act 1949

3 Principal Act

This Part amends the Forests Act 1949.

4 Section 2 amended (Interpretation)

- (1) In section 2(1), repeal the definitions of—
- (a) **code of ethics**; and
 - (b) **forestry adviser service**; and
 - (c) **Forestry Authority** or **Authority**; and
 - (d) **forestry practice standards**; and
 - (e) **forestry register**; and
 - (f) **log trader**.
- (2) In section 2(1), definition of **registered**, repeal paragraph (c).

5 Section 2B replaced (Parts of this Act that bind the Crown)

Replace section 2B with:

2B Part of this Act that binds the Crown

Part 3A of this Act binds the Crown.

6 Section 13 amended (Protection of forestry officers, etc)

Repeal section 13(2).

7 Part 2A repealed

Repeal Part 2A.

8 Schedule 1AA amended

In Schedule 1AA,—

- (a) insert the Part set out in the Schedule of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Part 2**Amendments to other legislation****Subpart 1—Amendments to Forests (Legal Harvest Assurance)
Amendment Act 2023****9 Principal Act**

This subpart amends the Forests (Legal Harvest Assurance) Amendment Act 2023.

10 Section 2 amended (Commencement)

- (1) Replace section 2(1)(a) with:

(a) 1 August 2027:

- (2) In section 2(2)(b), replace “Part 7” with “Part 6”.

11 Section 4 amended (Section 2 amended (Interpretation))

- (1) Repeal section 4(1) and (2).

- (2) Replace section 4(3) with:

- (3) In section 2(1), definition of **registered**, after paragraph (b), insert:

(ba) in relation to Part 5, registered under that Part for legal harvest:

- (3) In section 4(4), repeal the new definitions of **misconduct**, **threshold volume**, and **unsatisfactory conduct**.

- (4) In section 4(4), new definition of **New Zealand log**, replace “Parts 5 and 6” with “Part 5”.

- (5) In section 4(4), replace the new definition of **practice standards** with:
practice standards, in relation to legal harvest, means the practice standards set under section 158

12 Section 5 replaced (Section 2B amended (Parts of this Act that bind the Crown))

Replace section 5 with:

5 Section 2B replaced (Part of this Act that binds the Crown)

Replace section 2B with:

2B Parts of this Act that bind the Crown

The following Parts of this Act bind the Crown:

- (a) Part 3A:
- (b) Part 5:
- (c) Part 6.

13 Section 6 amended (Section 13 amended (Protection of forestry officers, etc))

Replace section 6(3) with:

- (3) After section 13(1), insert:

(1A) This section applies to—

- (a) an officer:
- (b) an employee of the Ministry:
- (c) a person appointed to a committee under section 15(2)(b):
- (d) a person called on to assist an officer.

14 Sections 10 to 47 repealed

Repeal sections 10 to 47.

15 Section 49 amended (New Parts 5 to 7 inserted)

- (1) In section 49, replace new section 75(1)(b)(i) with:

- (i) buying or exporting New Zealand logs (in trade); or
- (ia) processing New Zealand logs (in trade) that the person has grown themselves; or

- (2) In section 49, replace new section 84(1)(a) with:

- (a) in trade,—
 - (i) buying New Zealand logs, whether after harvest or in the form of trees to be harvested at an agreed time, and whether or not the person intends to on-sell the logs; or

- (ii) exporting New Zealand logs; or
- (iii) processing New Zealand logs that the person has grown themselves:

- (3) In section 49, repeal new section 84(4).
- (4) In section 49, replace new section 97 with:

97 Effect of suspension

As long as a person’s registration for legal harvest is suspended, the person must be treated as not being registered for legal harvest, subject to any conditions imposed under section 94(1).

- (5) In section 49, new section 152(1)(b)(i), replace “section 207” with “section 167”.
- (6) In section 49, new section 152(1)(b)(ii), replace “section 208” with “section 168”.
- (7) In section 49, new section 152(1)(b)(iii), replace “section 210” with “section 170”.
- (8) In section 49, repeal new Part 6.
- (9) In section 49, replace the heading to new Part 7 with:

Part 6
Provisions that apply to Part 5

- (10) In section 49, replace new section 205 with:

205 This Part applies to Part 5

This Part applies to Part 5.

- (11) In section 49, new sections 206(1), 210(1)(a), 211(1), 212(1)(a), 213, 214(1), and 215(1), replace “a specified Part” with “Part 5”.
- (12) In section 49, new section 214(1)(b), replace “the specified Part” with “Part 5”.
- (13) In section 49, new section 216, replace the new definition of **infringement offence** with:

infringement offence means an offence—

- (a) against—
 - (i) a provision of the regulations; or
 - (ii) any of section 147(1)(a) to (l); and
- (b) that regulations specify as being an infringement offence.

- (14) In section 49, new section 217(1)(b), replace “section 219” with “section 179”.
- (15) In section 49, new section 220(3), replace “section 217(1)(a) or (b)” with “section 177(1)(a) or (b)”.

- (16) In section 49, renumber new sections 205 to 224 as new sections 165 to 184.

16 Schedule 1 amended

- (1) Replace the Schedule 1 heading with:

Schedule 1
New Part 4 inserted into Schedule 1AA

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- (2) In Schedule 1, renumber new Part 2 as Part 4.
(3) In Schedule 1, renumber new clauses 4 and 5 as new clauses 11 and 12.
(4) In Schedule 1, repeal new clause 6.

17 Schedule 2 amended

In Schedule 2, item relating to the Summary Proceedings Act 1957, definition of **infringement notice**, new paragraph (gb), replace “section 219” with “section 179”.

Subpart 2—Secondary legislation revoked

18 Secondary legislation revoked

The following secondary legislation is revoked:

- (a) Forests (Code of Ethics for Registered Forestry Advisers) Rules 2022 (SL 2022/260);
(b) Forests (Regulation of Log Traders and Forestry Advisers) Exemption Notice 2023 (SL 2023/182);
(c) Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022 (SL 2022/202);
(d) the instrument entitled “Partial waiver of fees and levies for certain classes of applicants for registration as and registered log traders and forestry advisers” made on 15 November 2022 under regulations 30 and 43 of the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.

Subpart 3—Consequential amendment

19 Principal Act

This subpart amends the Legislation Act 2019.

20 Schedule 4 amended

In Schedule 4, Part 1, repeal the item relating to section 63ZZI of the Forests Act 1949.

Schedule
New Part 3 inserted into Schedule 1AA of Forests Act 1949

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Part 3
**Provisions relating to Forests (Log Traders and Forestry Advisers
Repeal) Amendment Act 2024**

6 Secretary must refund application fees and levies

The Secretary must take all reasonably practicable steps to refund the following as soon as is reasonably practicable after the commencement of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024:

- (a) any application fees (inclusive of goods and services tax) paid by any person under section 63P or 63S;
- (b) any levy (inclusive of goods and services tax) collected by the Secretary under Part 5 of the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.

7 Waiver of unpaid fees and levies

- (1) This clause applies to—
 - (a) any unpaid application fee required under section 63P or 63S; and
 - (b) any uncollected levy under Part 5 of the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.
- (2) The fee or levy is waived.

8 Unresolved complaints and reviews extinguished

The following are extinguished:

- (a) any unresolved reviews under section 63Z;
- (b) any unresolved complaints made under section 63ZI.

9 Notices issued by Forestry Authority

- (1) This clause applies to registered log traders or registered forestry advisers who have received notices issued by the Forestry Authority under section 63G(1) or 63W.
- (2) The registered person does not need to comply with the notice.

10 Commercial disputes

- (1) This clause applies to commercial disputes referred to dispute resolution under section 63ZJ.

- (2) Parties to an existing dispute do not need to continue to comply with the procedure in clause 28 of the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.

Legislative history

30 May 2024	Introduction (Bill 48–1)
25 June 2024	First reading, second reading, committee of the whole House, third reading
29 June 2024	Royal assent

This Act is administered by the Ministry for Primary Industries.