

Reprint
as at 1 July 2013



**Forestry (Indigenous Timber
Milling) Regulations 1993**
(SR 1993/227)

Thomas Eichelbaum, Administrator of the Government

Order in Council

At Wellington this 5th day of July 1993

Present:
The Hon Doug Kidd presiding in Council

Pursuant to section 72 of the Forests Act 1949, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Forestry (Indigenous Timber Milling) Regulations 1993.
- (2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires,—

the Act means the Forests Act 1949

application means an application for a certificate of registration

certificate of registration means a certificate issued under regulation 4

chief executive means the chief executive of Agriculture and Forestry

record book means a record book to be kept in accordance with regulation 6(1)

sawmill means a sawmill used for milling indigenous timber

sawmiller means any person who owns or manages or operates a sawmill.

Regulation 2 **the Act**: amended, on 1 January 2012, by regulation 4(1) of the Forestry (Indigenous Timber Milling) Amendment Regulations 2011 (SR 2011/344).

Regulation 2 **chief executive**: inserted, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 2 **record book**: amended, on 1 January 2012, by regulation 4(2) of the Forestry (Indigenous Timber Milling) Amendment Regulations 2011 (SR 2011/344).

Regulation 2 **Secretary**: revoked, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

3 Application for registration

- (1) The registration or re-registration of a sawmill under these regulations shall commence,—
 - (a) in the case of an application made before 21 June in any year and approved, on 1 July in that year:
 - (b) in the case of an application made after 20 June in any year and approved, on the date of the approval of the application.
- (2) The registration of a sawmill under these regulations shall expire,—
 - (a) in any case where registration commences before 1 July in any year, with the close of 30 June in that year:
 - (b) in any case where registration commences after 30 June in any year, with the close of 30 June in the following year.
- (3) Every application for registration or re-registration of a sawmill shall be made to the chief executive in writing and may be made on an application form obtained from the chief executive for that purpose. The application shall be signed by or on behalf of the applicant and shall be accompanied by the prescribed fee.
- (4) Upon receipt of any application for registration or re-registration, or from time to time, the chief executive may, by notice in writing delivered to the applicant at the address set out in the application, require the applicant to furnish such further and additional information as the chief executive may require, and every applicant shall within 10 working days comply with the requirements of that notice to the satisfaction of the chief executive.
- (5) Where a sawmiller operates 2 or more distinct sawmills, a separate application for registration or re-registration shall be made in respect of each sawmill.

- (6) Every registration or re-registration of a sawmill shall cease to have effect upon expiry of the certificate of registration issued in respect of that sawmill under regulation 4(1).

Regulation 3(3): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 3(4): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

4 Certificate of registration

- (1) Upon receipt of an application for the registration or re-registration of a sawmill accompanied by the prescribed fee, the chief executive shall issue a certificate of registration to the applicant.

- (2) Every certificate of registration issued under these regulations shall expire on 30 June next following the date when it took effect.

- (3) At any time during the currency of a certificate of registration in respect of any sawmill, the chief executive—

(a) may, if he or she thinks fit; and

(b) shall, if required for the purposes of any legal proceedings,—

issue a further certificate of registration in respect of that sawmill; and the further certificate shall have the same effect as the certificate first issued.

Regulation 4(1): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 4(3): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

5 Register

- (1) For the purposes of Part 3A of the Act, the chief executive shall keep a register of sawmills milling timber subject to that Part of the Act.

- (2) The chief executive may from time to time direct that any entry in the register be amended, corrected, cancelled, or deleted upon such documentary or other evidence as he or she shall deem sufficient.

Regulation 5(1): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 5(2): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

6 Sawmiller must keep record books

- (1) Every sawmiller must keep a separate record book for each sawmill operated by the sawmiller and required to be registered under Part 3A of the Act.
- (2) A record book must be kept in a form approved by the chief executive.
- (3) A record book must contain the following information for each consignment of indigenous timber received at a sawmill for processing:
 - (a) the name and number of the sawmill concerned as specified in the certificate of registration issued under regulation 4(1); and
 - (b) if the sawmill is portable, the location of the sawmill; and
 - (c) reference to—
 - (i) an annual logging plan approved under section 67H of the Act for a registered sustainable forest management plan or permit; or
 - (ii) a statement given under section 67D(1) of the Act (including any identifying number allocated by the chief executive); or
 - (iii) an approval given under section 67D(3) of the Act (including any identifying number allocated by the chief executive); and
 - (d) the date on which the timber was received; and
 - (e) a description of the timber received, in particular—
 - (i) the number of logs by named species of the timber received; and
 - (ii) the volume of logs in cubic metres by named species of the timber received.
- (4) However, a record book is not required to contain the information specified in subclause (3)(e)(i) if, and to the extent that,—
 - (a) it is not reasonably practicable to count the number of logs; and
 - (b) the chief executive has notified the sawmiller in writing before the 3-monthly return must be supplied that the

chief executive confirms that it is not reasonably practicable to count the number of logs.

- (5) A completed record book must be retained until the end of the calendar year after the year in which the information was entered in the record book.

Regulation 6: replaced, on 1 January 2012, by regulation 5 of the Forestry (Indigenous Timber Milling) Amendment Regulations 2011 (SR 2011/344).

6A Sawmiller must supply 3-monthly returns

- (1) Every sawmiller must supply to the chief executive a return (**3-monthly return**) for each period of 3 months ending on the last day of March, June, September, and December in each year.
- (2) A separate 3-monthly return must be supplied for each sawmill operated by a sawmiller and required to be registered under Part 3A of the Act.
- (3) A sawmiller must supply a 3-monthly return to the chief executive within 28 days after the end of the 3-month period it relates to.
- (4) The 3-monthly return must—
- (a) be on a form approved by the chief executive; and
 - (b) have attached to it a copy of the pages of the record book kept under regulation 6 that relate to the period covered by the return.
- (5) If a sawmill changes ownership during a 3-month period for which a return is required by this regulation,—
- (a) the sawmiller transferring ownership of the sawmill must make a return containing the information required by subclause (4) for the period beginning on the first day of the 3-month period in which the transfer occurs and ending on the day before the ownership of the sawmill is transferred;
 - (b) the sawmiller or person obtaining ownership of the sawmill must make a return containing the information required by subclause (4) for the period beginning on the day on which the transfer occurs and ending on the last day of the 3-month period in which the transfer occurs.

- (6) A return required for the purposes of subclause (5) must be made on a form approved by the chief executive.
- (7) The chief executive may, after examining a return made under this regulation, seek any further information about entries in the return that he or she may require for the purposes of these regulations.

Regulation 6A: inserted, on 1 January 2012, by regulation 5 of the Forestry (Indigenous Timber Milling) Amendment Regulations 2011 (SR 2011/344).

7 Alteration in respect of ownership or possession or movement of sawmills

- (1) Every sawmiller who holds a current certificate of registration in respect of a sawmill (other than a portable sawmill)—
 - (a) shall, immediately the sawmill ceases to be used by the sawmiller or immediately a change takes place in the ownership or possession of the sawmill, give to the chief executive, within 10 working days after that occurrence, notice thereof and of the particulars of the change, as the case may require; and
 - (b) shall immediately furnish to the chief executive the record book required to be kept in accordance with regulation 6(1).
- (2) Every person who acquires or succeeds to the ownership or possession of any registered sawmill shall, within 10 working days after that event, give notice of so doing to the chief executive. That person shall be required to keep a record book from the date that person acquires or succeeds to the ownership or possession of any registered sawmill.
- (3) Upon receipt of any notice given under subclause (2), the chief executive may, by notice in writing posted to the person who gave the notice, require that person to furnish particulars of any of the matters as to which information is required in the application for registration.
- (4) Every person to whom a notice is sent as required by subclause (3) shall forthwith comply with the terms of the notice.
- (5) Upon receipt of any notice given under subclause (1) or subclause (2), and on verification thereof to his or her satisfaction, the chief executive may make such entries in the register as the case may require, and shall, if he or she considers it desirable,

issue a fresh certificate of registration in respect of the sawmill concerned.

- (6) Every sawmiller who holds a current certificate of registration in respect of a portable sawmill shall notify the chief executive, in writing, within 5 working days of either—
- (a) ceasing operations at that sawmill at a particular location; or
 - (b) moving that sawmill to a different location and commencing operations at that location.

Regulation 7(1)(a): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 7(1)(b): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 7(2): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 7(3): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 7(5): amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Regulation 7(6): amended, on 1 January 2012, by regulation 6 of the Forestry (Indigenous Timber Milling) Amendment Regulations 2011 (SR 2011/344).

8 Fees

The fees payable in respect of inspections and registrations of sawmills pursuant to these regulations and Part 3 of the Act shall be as follows:

	\$
(a) for every application for registration	100
(b) for every application for re-registration	100
(c) for every application for a further certificate of registration or a certified copy of an entry in the register, or a certificate of the absence of an entry in the register	50
(d) inspection fee	100

9 Offence and penalties

- (1) Every person commits an offence who—

- (a) with intent to deceive, makes any false or misleading statement or any material omission in any communication or application under these regulations; or
 - (b) neglects or fails to supply any information or particulars required by these regulations.
- (2) Every person who commits an offence against subclause (1) is liable on conviction,—
- (a) in the case of an individual, to a fine not exceeding \$2,000;
 - (b) in the case of a body corporate, to a fine not exceeding \$12,000.

Regulation 9(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

10 Notices

Any requirements, order, direction, or notice made or given by the chief executive or a forest officer under the Act or these regulations may be addressed in general terms to the person in charge or the manager of the sawmill and be delivered to the sawmill.

Regulation 10: amended, on 1 March 1998, pursuant to section 5(1)(b) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

11 Revocations

- (1) The Sawmill Registration Regulations 1952 (SR 1952/214) are hereby revoked.
- (2) The following regulations are hereby consequentially revoked:
 - (a) the Sawmill Registration Regulations 1952, Amendment No 2 (SR 1967/130);
 - (b) the Sawmill Registration Regulations 1952, Amendment No 3 (SR 1975/240);
 - (c) the Sawmill Registration Regulations 1952, Amendment No 4 (SR 1976/183).

Marie Shroff,
Clerk of the Executive Council.

**Forestry (Indigenous Timber Milling)
Regulations 1993**

Reprinted as at
1 July 2013

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 8 July 1993.

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Notes

1 *General*

This is a reprint of the Forestry (Indigenous Timber Milling) Regulations 1993. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Criminal Procedure Act 2011 (2011 No 81): section 413

Forestry (Indigenous Timber Milling) Amendment Regulations 2011 (SR 2011/344)

Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100): section 5(1)(b), (d)