



Forestry (Indigenous Timber Milling) Amendment Regulations 2011

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 3rd day of October 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 72 of the Forests Act 1949, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Forestry (Indigenous Timber Milling) Amendment Regulations 2011.

2 Commencement

These regulations come into force on 1 January 2012.

3 Principal regulations amended

These regulations amend the Forestry (Indigenous Timber Milling) Regulations 1993.

4 Interpretation

- (1) The definition of **the Act** in regulation 2 is amended by omitting “Forest” and substituting “Forests”.
- (2) The definition of **record book** in regulation 2 is amended by omitting “7(1)” and substituting “6(1)”.

5 New regulations 6 and 6A substituted

Regulation 6 is revoked and the following regulations are substituted:

“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.
- “**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.”

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

Regulation 7(6) is amended by omitting “any office of the Ministry of Agriculture and Forestry” and substituting “the chief executive”.

Rebecca Kitteridge,
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 1 January 2012, amend the Forestry (Indigenous Timber Milling) Regulations 1993.

The amendments—

- replace the requirement for sawmillers to keep an annual record book with a requirement to keep a record book showing details about each consignment of indigenous timber received for processing;
- change the 3-monthly return so that it has attached to it copies of the pages of the record book required to be kept in relation to the period concerned;
- make certain consequential and administrative changes.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered by the Ministry of Agriculture and Forestry.
