Version
as at 30 June 2024

Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023

(SL 2023/170)

Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023: revoked, on 30 June 2024, pursuant to section 18(c) of the Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25).

Cindy Kiro, Governor-General

Order in Council

At Wellington this 3rd day of July 2023

Present:
The Right Hon Chris Hipkins presiding in Council

These regulations are made under section 63ZZE of the Forests Act 1949—

(a) on the advice and with the consent of the Executive Council; and

(b) on the recommendation of the Minister of Forestry made after being satisfied of the matters in section 63ZZC(1) of that Act.

Contents

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for Primary Industries.

Regulations

1 Title

These regulations are the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023.

2 Commencement

(1) These regulations come into force on 6 August 2023.

(2) However, the following regulations (which all relate to continuing professional development requirements for registered forestry advisers) come into force on 1 July 2024:

(a) regulation 4(1):

(b) regulation 11:

(c) regulation 12:

(d) regulation 13:

(e) regulation 14:

(f) regulation 15(3):

(g) regulation 16.

3 Principal regulations

These regulations amend the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.

4 Regulation 3 amended (Interpretation)

(1) In regulation 3, insert in their appropriate alphabetical order:

continuing professional development requirement or **CPD requirement** means a requirement specified in regulation 16A(1)

CPD activity means a learning activity that—

(a) is either structured CPD or unstructured CPD; and

(b) is verifiable by documentation; and

(c) does not form part of a forestry adviser's day-to-day work

structured CPD means a learning activity listed in clause 1 of Schedule 3

unstructured CPD means a learning activity listed in clause 2 of Schedule 3

(2) In regulation 3, revoke the definition of **relevant civil liabilities**.

5 Regulation 5 amended (Fit and proper person requirements)

Replace regulation 5(c)(ii) with:

(ii) a civil liability that the Authority considers is relevant to the application:

6 Regulation 6 amended (Information that must be included in application)

(1) Replace regulation 6(1)(h) and (i) with:

(h) if the applicant is an entity, the further information specified in subclause (2):

(i) if the applicant is an individual, the further information specified in subclause (3).

(2) Replace regulation 6(2) with:

(2) If the applicant is an entity, the application must also include the following information:

(a) the name and contact details of the individual who is the contact person of the entity:

(b) the name and contact details of every decision maker:

(c) evidence of the legal status of the entity (for example, the New Zealand Business Number or company number of the entity):

(d) a declaration that the applicant has no criminal convictions that may be relevant to the application (or, if applicable, an explanation of any such convictions):

(e) a declaration that the applicant has no civil liabilities that may be relevant to the application (or, if applicable, an explanation of any such liabilities):

(f) if the applicant has a record of non-compliance, an explanation of the non-compliance and how it has been remedied:

(g) for each decision maker,—

(i) the results of a criminal record check that comply with subclause (4); and

(ii) a declaration that the decision maker has no civil liabilities that may be relevant to the application (or, if applicable, an explanation of any such liabilities); and

(iii) if the decision maker has a record of non-compliance, an explanation of the non-compliance and how it has been remedied; and

(iv) details of whether the decision maker has been or is—

(A) disqualified from being appointed or holding office as a director of a company under the Companies Act 1993; or

(B) banned from being a director or promoter of an incorporated or unincorporated body under the Takeovers Act 1993 or the Financial Markets Conduct Act 2013; or

(C) disqualified from being appointed as a trustee under the Trusts Act 2019.

(3) If the applicant is an individual, the application must also include the following information:

(a) the results of a criminal record check that comply with subclause (4):

(b) a declaration that the applicant has no civil liabilities that may be relevant to the application (or, if applicable, an explanation of any such liabilities):

(c) if the applicant has a record of non-compliance, an explanation of the non-compliance and how it has been remedied:

(d) details of whether the applicant has been or is—

(i) disqualified from being appointed or holding office as a director of a company under the Companies Act 1993; or

(ii) banned from being a director or promoter of an incorporated or unincorporated body under the Takeovers Act 1993 or the Financial Markets Conduct Act 2013; or

(iii) disqualified from being appointed as a trustee under the Trusts Act 2019:

(e) if the applicant is a sole trader,—

(i) the New Zealand Business Number for the applicant, if registered; or

(ii) proof of identity of the applicant (for example, a copy of the applicant’s passport).

(4) The results of a criminal record check required by this regulation must be a record obtained from the Ministry of Justice that is dated no earlier than 3 months before the date of the application.

7 Regulation 8 amended (Information that must be included in renewal of registration)

(1) Replace regulation 8(1)(c)(i)(B) with:

(B) a declaration that the decision maker has no civil liabilities that may be relevant to the application (or, if applicable, an explanation of any such liabilities); and

(2) In regulation 8(1)(c)(ii), replace “regulation 6(1)(h)(i) to (iii)” with “regulation 6(2)(a) to (c)”.

(3) Replace regulation 8(1)(d)(ii) with:

(ii) a declaration that the applicant has no civil liabilities that may be relevant to the application (or, if applicable, an explanation of any such liabilities); and

8 Regulation 12 amended (Register of log trader information)

Revoke regulation 12(c).

9 Regulation 14 amended (Fit and proper person requirements)

Replace regulation 14(a)(ii) with:

(ii) a civil liability that the Authority considers is relevant to the application:

10 Regulation 15 amended (Information that must be included in application)

Replace regulation 15(1)(m) with:

(m) a declaration that the applicant has no civil liabilities that may be relevant to the application (or, if applicable, an explanation of any such liabilities):

11 New regulation 16A inserted (Duty to complete continuing professional development)

After regulation 16, insert:

16A Duty to complete continuing professional development

(1) A registered forestry adviser must comply with the following CPD requirements:

(a) to complete the minimum number of hours of CPD activities specified in subclause (2):

(b) to keep a record of CPD activities they have completed in accordance with regulation 19:

(c) to report to the Forestry Authority regarding the CPD activities they have completed in accordance with regulation 19A.

(2) The minimum hours of CPD activities needed to meet the requirement in subclause (1)(a) is 50 hours in each registration period, of which—

(a) at least 20 hours must be made up of structured CPD activities; and

(b) at least 5 hours must be completed in each 12-month period that—

(i) ends on the anniversary date of the forestry adviser's registration; and

(ii) is within the registration period.

(3) The Forestry Authority may, on application by a forestry adviser who has not provided forestry adviser services for the whole of a registration period (or who does not expect to provide forestry adviser services for the whole of a registration period), reduce the number of hours the forestry adviser is required to complete—

(a) for the registration period, in accordance with the table in clause 3(1) of Schedule 3; and

(b) for each 12-month period referred to in subclause (2)(b), in accordance with the table in clause 3(2) of Schedule 3.

(4) Subclause (2) applies regardless of whether a forestry adviser provides forestry adviser services in a part-time or full-time capacity.

(5) Subclause (3) applies only if the Forestry Authority is satisfied that it would be unfair or unreasonable to require completion of the full number of hours.

12 Regulation 17 amended (Information that must be included in renewal of registration)

After regulation 17(1)(d), insert:

(e) a statement of the total number of hours of CPD activities completed by the forestry adviser during the registration period:

(f) a statement of the number of those hours that were made up of—

(i) structured CPD; and

(ii) unstructured CPD:

(g) a declaration that the forestry adviser has complied with the CPD requirements during the registration period, or an explanation of why the forestry adviser has not complied with those requirements (for example, because of an adjustment of the sort referred to in paragraph (h)):

(h) details of any adjustment to the CPD requirements made by the Forestry Authority under regulation 16A(3).

13 Regulation 19 amended (Duty to keep records)

(1) Replace regulation 19(1) with:

(1) A registered forestry adviser must—

(a) take reasonable steps to keep a record of advice they provide to clients; and

(b) take reasonable steps to keep a record of any complaints or disputes relating to them in their capacity as a registered person; and

(c) keep a record of CPD activities they have completed.

(2) Replace regulation 19(2)(b) with:

(b) in respect of the records referred to in subclause (1)(a) and (b), for at least 7 years after the date on which the advice is provided or the complaint or dispute is resolved (as the case may be); and

(c) in respect of the records referred to in subclause (1)(c), for at least 7 years after the expiry of the registration period to which the record relates.

(3) After regulation 19(3), insert:

(4) In this regulation, a **record of CPD activities** means, for each registration period, a description and details of the CPD activities undertaken by the forestry adviser, in the form (if any) specified by the Forestry Authority, including—

(a) the type of CPD activity undertaken (structured CPD or unstructured CPD); and

(b) a record of the hours involved and undertaken in respect of each activity; and

(c) the date or dates on which each CPD activity was completed; and

(d) documentation verifying attendance at each activity; and

(e) any other details specified by the Forestry Authority.

14 New regulation 19A inserted (Duty to report to Forestry Authority)

After regulation 19, insert:

19A Duty to report to Forestry Authority

(1) A registered forestry adviser must provide an annual report to the Forestry Authority—

(a) no later than 20 working days after each anniversary date of the forestry adviser's registration; and

(b) in a form approved by the Forestry Authority (if any); and

(c) covering the 12-month period that ends on that anniversary date.

(2) The report must include the following:

(a) the total number of hours of CPD activities completed by the forestry adviser during the 12-month period:

(b) the number of those hours that were made up of—

(i) structured CPD; and

(ii) unstructured CPD:

(c) a declaration that the forestry adviser has completed a minimum of 5 hours of CPD activities in the 12-month period, or an explanation of why this has not been completed (for example, because of an adjustment of the sort referred to in paragraph (d)):

(d) details of any adjustment to the CPD requirements made by the Forestry Authority under regulation 16A(3).

(3) This regulation does not apply in respect of the final year of a forestry adviser's registration period.

15 Schedule 1 amended

(1) In Schedule 1, Part 1, delete "There are no transitional, savings, or related provisions in these regulations as made".

(2) In Schedule 1, Part 1, insert:

1 No annual report required in respect of financial year ending 30 June 2023

Despite regulation 11, a registered log trader is not required to provide an annual report to the Forestry Authority by 1 December 2023 that covers the financial year ending on 30 June 2023.

2 Partial annual report required in respect of financial year ending 30 June 2024

(1) This clause applies to the annual report that regulation 11 requires a registered log trader to provide to the Forestry Authority by 1 December 2024.

(2) Despite regulation 11(1)(b), the annual report need only cover the period that begins on 6 August 2023 and ends on 30 June 2024.

(3) In Schedule 1,—

(a) insert the Part set out in Schedule 1 of these regulations as the last Part; and

(b) make all necessary consequential amendments.

16 New Schedule 3 inserted

After Schedule 2, insert the Schedule 3 set out in Schedule 2 of these regulations.

Schedule 1
New Part 2 of Schedule 1 inserted

r 15(3)

Part 2
Provisions relating to Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023

3 Continuing professional development requirements for forestry advisers registered as at 1 July 2024

(1) This clause applies to a person who was registered as a forestry adviser immediately before 1 July 2024.

(2) Regulation 16A applies to the person as if—

(a) the person did not provide forestry adviser services for the portion of their registration period that ends on 1 July 2024; and

(b) a reduction had been made on that basis (under regulation 16A(3)(a) and (b)) to the required number of hours the person is required to complete.

(3) Regulation 19A applies to the person as if, in relation to the first annual report required to be provided, references in that regulation to a 12-month period were references to the period—

(a) commencing on 1 July 2024; and

(b) ending on the anniversary date of the forestry adviser's registration that first occurs after 1 July 2024.

Schedule 2
New Schedule 3 inserted

r 16

Schedule 3
Provisions relating to CPD requirements for forestry advisers

rr 4(1), 16A(3)

1 Structured CPD

A CPD activity is **structured CPD** if it relates to the forestry and wood-processing sector and comprises 1 or more of the following:

(a) a tertiary course (for example, a course provided by a tertiary education organisation or a vocational education and training provider):

(b) online study from a recognised training or education provider:

(c) New Zealand Qualifications Authority registered or externally provided in-house or sector-led training:

(d) attending a group leadership programme or study tour:

(e) providing structured coaching sessions to a person who is registered as a forestry adviser in a registration category specified by the Forestry Authority as the general-restricted registration category:

(f) receiving kaupapa Māori training.

2 Unstructured CPD

A CPD activity is **unstructured CPD** if it relates to the forestry and wood-processing sector and comprises 1 or more of the following:

(a) academic authorship:

(b) presenting a seminar or conducting a training session:

(c) attending an industry event:

(d) participating in a working group or committee for the Forestry Authority to prepare technical documents (for example, industry standards, guidelines, or manuals):

(e) undertaking private study and research, including kaupapa Māori research:

(f) providing structured coaching sessions to a person who is registered as a forestry adviser in a registration category specified by the Forestry Authority as either the general registration category or the general-specialist registration category:

(g) receiving structured coaching sessions from a person who is registered as a forestry adviser in a registration category specified by the Forestry

Authority as the general registration category or the general-specialist registration category:

(h) receiving internally provided training.

3 Reductions to required hours of CPD activities

(1) The reductions that the Forestry Authority may make to the required hours of CPD activities for a registration period are as follows:

Years providing forestry adviser services during registration period	Number of hours of structured CPD required for registration period	Total number of hours of CPD activities required for registration period
0.5	2	5
1.0	4	10
1.5	6	15
2.0	8	20
2.5	10	25
3.0	12	30
3.5	14	35
4.0	16	40
4.5	18	45
5.0	20	50

Note: Periods to be rounded up or down to the nearest half year

(2) The reductions that the Forestry Authority may make to the required hours of CPD activities for each 12-month period within a registration period are as follows:

Months providing forestry adviser services during 12-month period	Number of hours of CPD activities required for 12-month period
1	0
2	1
3	1
4	2
5	2
6	2
7	3
8	3
9	4
10	4
11	5
12	5

Note: Periods to be rounded up or down to the nearest full month

Diana Hawker,
Acting 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 (the **amendment regulations**) amend the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022.

The main effect of the amendment regulations is to establish a requirement for registered forestry advisers to undertake continuing professional development (**CPD**) in relation to their roles. The requirement will apply from 1 July 2024, and will include obligations for registered forestry advisers to do the following:

- complete the minimum hours of CPD activities for each registration period:
- keep a record of the CPD activities that the forestry adviser has completed:
- report to the Forestry Authority regarding the CPD activities completed (on an annual basis, and in respect of each registration period).

The Forestry Authority will, in certain circumstances, be able to reduce the minimum hours of CPD activities that a registered forestry adviser is required to complete.

The balance of the amendment regulations come into force earlier, on 6 August 2023. Those changes, in summary,—

- adjust the information required in relation to applications for registration as a log trader (for example, a provision has been added that requires an applicant that is an entity to include details of any criminal convictions); and
- revoke the definition of relevant civil liabilities, and adjust the provisions that use that term accordingly; and
- remove a requirement for the Forestry Authority to include information about categories of registration on the register of log traders; and
- provide for transitional matters in relation to the establishment of CPD requirements for forestry advisers, and the (existing) requirement for log traders to report to the Forestry Authority by 1 December each year.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement in April 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- https://www.mpi.govt.nz/legal/regulatory-impact-statements/
- https://treasury.govt.nz/publications/informationreleases/ris

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 6 July 2023.

Notes

1 General

This is a consolidation of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Forests (Log Traders and Forestry Advisers Repeal) Amendment Act 2024 (2024 No 25): section 18(c)

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2024