



Forests (Planted Indigenous Forest Certificate) Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 26th day of February 2007

Present:

His Excellency the Governor-General in Council

Pursuant to sections 67C, 67D, and 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 Forests (Planted Indigenous Forest Certificate) Regulations 2007.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Purpose

The purpose of these regulations is to establish a mechanism for certifying that a forest is a planted indigenous forest for the purposes of Part 3A of the Forests Act 1949.

4 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Forests Act 1949

certificate means a planted indigenous forest certificate issued under these regulations

map means a diagram or aerial photograph that shows—

- (a) the boundary of the land to which the application for certification relates; and
- (b) the areas within that defined boundary where the indigenous timber trees or tree ferns have been planted

milling statement means a statement issued by the Secretary under section 67D(1)(b)(i)(C) to confirm that the timber being milled has been or will be harvested from a planted indigenous forest

owner—

- (a) means a person who owns any landholding; and
- (b) includes—
 - (i) the owners of a landholding owned by 2 or more persons; and
 - (ii) a group of owners of a landholding.

(2) Terms defined in the Act and used but not defined in these regulations have the same meanings as in the Act.

5 Application for certificate

- (1) This regulation applies to an owner of land where seedlings of any indigenous timber trees or tree ferns have been planted on land that was not indigenous forest land immediately before—
 - (a) the planting; or
 - (b) the land was prepared for planting.
- (2) An owner, or, if more than 1 person is an owner of the land, all the owners jointly or their authorised representative, may apply in writing to the Secretary for a certificate.
- (3) An application must include—
 - (a) evidence of the landholding in the land to which the application relates, such as a copy of—
 - (i) the current computer freehold register; or
 - (ii) the current computer interest register; or
 - (iii) in the case of Māori land for which no computer freehold register has been issued, the title order and a current list of owners issued by, or available from, the Māori Land Court; and
 - (b) a map of the land to which the application relates; and
 - (c) evidence that the land was not indigenous forest land immediately before—
 - (i) the planting; or
 - (ii) the land was prepared for planting; and
 - (d) evidence, that may include photographs, to show the species of indigenous timber trees or tree ferns planted.
- (4) Before determining an application, the Secretary may request any further information that in his or her opinion is necessary to enable the Secretary to determine the application.

6 Issuing of certificate

- (1) The Secretary may issue a certificate if and only if he or she is satisfied that the land to which the certificate relates—
 - (a) is planted with seedlings of indigenous timber trees or tree ferns; and
 - (b) was not indigenous forest land immediately before—
 - (i) the planting; or
 - (ii) the land was prepared for planting.
- (2) The Secretary must exclude from the certificate any part of that land that the Secretary considers does not wholly comprise planted indigenous forest.

7 Purpose of certificate

- (1) The purpose of a certificate issued under regulation 6 is to provide evidence of the existence of a planted indigenous forest for the purpose of issuing a milling statement.
- (2) However, a certificate issued under regulation 6 does not limit the obligations of—
 - (a) the Secretary under section 67C or 67D of the Act; or
 - (b) the owner under any enactment or rule of law.
- (3) To avoid doubt, the fact that a certificate has not been issued under regulation 6 must not be used as evidence that indigenous timber trees or tree ferns are not planted indigenous forest.

Register

8 Register of certificates

As soon as is reasonably practicable after the commencement of these regulations, the Secretary must set up and maintain a register that includes a copy of all certificates issued under regulation 6.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

These regulations come into force 28 days after the date of their notification in the *Gazette*.

The regulations provide a mechanism for the Secretary of the Ministry of Agriculture and Forestry to certify at or after the time of planting seedlings of indigenous timber trees or tree ferns that the land was not, immediately before that planting or immediately before the land was prepared for that planting, wholly or predominantly under the cover of indigenous flora (**indigenous forest land**).

The Secretary must set up and maintain a register of certificates issued under these regulations.

The intention of these regulations is to facilitate the decision-making required under sections 67C(1)(g) and 67D(1)(b)(i)(C) of the Act.

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

Date of notification in *Gazette*: 1 March 2007.

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