



**THE FORESTRY (INDIGENOUS TIMBER MILLING)
REGULATIONS 1993**

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.

ANALYSIS

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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 Forest Act 1949:

“Application” means an application for a certificate of registration:

“Certificate of registration” means a certificate issued under regulation 4 of these regulations:

“Record book” means a record book to be kept in accordance with regulation 7 (1) of these regulations:

“Sawmill” means a sawmill used for milling indigenous timber:

“Sawmiller” means any person who owns or manages or operates a sawmill:

“Secretary” means the Secretary of Forestry.

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 the 21st day of June in any year and approved, on the 1st day of July in that year:

(b) In the case of an application made after the 20th day of 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 the 1st day of July in any year, with the close of the 30th day of June in that year:

(b) In any case where registration commences after the 30th day of June in any year, with the close of the 30th day of June in the following year.

(3) Every application for registration or re-registration of a sawmill shall be made to the Secretary in writing and may be made on an application form obtained from the Secretary 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 Secretary 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 Secretary may require, and every applicant shall within 10 working days comply with the requirements of that notice to the satisfaction of the Secretary.

(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) of these regulations.

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 Secretary shall issue a certificate of registration to the applicant.

(2) Every certificate of registration issued under these regulations shall expire on the 30th day of 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 Secretary—

(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.

5. Register—(1) For the purposes of Part IIIA of the Act, the Secretary shall keep a register of sawmills milling timber subject to that Part of the Act.

(2) The Secretary 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.

6. Keeping of record books—(1) Every sawmiller shall keep a record book for each sawmill required to be registered under Part IIIA of the Act and shall enter in that record book the following information:

- (a) A description of all roundwood and milled indigenous timber received at that sawmill, and in particular—
 - (i) The location of the landholding from which the timber was harvested and (where applicable) of the sawmills from which milled timber has been received; and
 - (ii) The owner of the landholding; and
 - (iii) The date the timber was received at that sawmill:
- (b) A description of all roundwood indigenous timber received by volume in cubic metres and the number of logs received:
- (c) The dimensions of sawn indigenous timber received:
- (d) The species of indigenous timber received:
- (e) The destination of sawn indigenous timber or other indigenous timber products dispatched from the sawmill.

(2) The record book shall be kept in respect of the period commencing on the 1st day of January in each year and ending with the close of the 31st day of December in that year or the close of the date on which the sawmill ceases to operate or changes ownership (if that occurs before that 31st day of December).

(3) Each completed record book shall be provided to the Secretary not later than the 31st day of March in the year following the year to which the book relates.

(4) The Secretary may after examination seek such further information regarding entries in the record book as he or she may require for the purposes of these regulations.

(5) Every sawmiller shall supply to the Secretary, for each sawmill required to be registered under Part IIIA of the Act, 3-monthly returns of the quantities of indigenous timber milled at those sawmills. The returns shall be for the 3-monthly periods ending on the last day of March, June, September, and December in each year. The returns shall be supplied to the Secretary not later than 28 days after the close of the period to which the return applies.

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 Secretary, 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 Secretary the record book required to be kept in accordance with regulation 6 (1) of these regulations.

(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 Secretary. 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) of this regulation, the Secretary 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) of this regulation shall forthwith comply with the terms of the notice.

(5) Upon receipt of any notice given under subclause (1) or subclause (2) of this regulation, and on verification thereof to his or her satisfaction, the Secretary 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 any office of the Ministry of Forestry, 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.

8. Fees—The fees payable in respect of inspections and registrations of sawmills pursuant to these regulations and Part III of the Act shall be as follows:

	\$
(a) For every application for registration	100.00
(b) For every application for re-registration	100.00
(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	50.00
(d) Inspection fee	100.00.

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) of this regulation is liable on summary 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.

10. Notices—Any requirements, order, direction, or notice made or given by the Secretary 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.

11. Revocations—(1) The Sawmill Registration Regulations 1952 (S.R. 1952/214) are hereby revoked.

(2) The following regulations are hereby consequentially revoked:

- (a) The Sawmill Registration Regulations 1952, Amendment No. 2 (S.R. 1967/130);
- (b) The Sawmill Registration Regulations 1952, Amendment No. 3 (S.R. 1975/240);
- (c) The Sawmill Registration Regulations 1952, Amendment No. 4 (S.R. 1976/183).

MARIE SHROFF,
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 28 days after the date of their notification in the *Gazette*, provide for the registration of sawmills milling indigenous timber and revoke the Sawmill Registration Regulations 1952.

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

Date of notification in *Gazette*: 8 July 1993.

These regulations are administered in the Ministry of Forestry.