

Version
as at 30 June 2024



Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022 (SL 2022/202)

Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022: revoked, on 30 June 2024, by 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 27th day of June 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 63ZZE, 63ZZF, 63ZZG, 63ZZH, and 63ZZI 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.

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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.

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Regulations

1 Title

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

2 Commencement

These regulations come into force on 6 August 2022.

Regulations: confirmed, on 17 December 2022, by section 18 of the Secondary Legislation Confirmation Act 2022 (2022 No 82).

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Forests Act 1949

complaints panel means a complaints panel convened under regulation 21

decision maker, in relation to an entity that is a log trader, means—

- (a) a director, partner, trustee, or senior manager of the entity; or
- (b) if the entity does not have directors, partners, trustees, or senior managers, a person who acts in relation to the entity in the same or a similar way as a director, partner, trustee, or senior manager would if the entity were a company, partnership, or trust

entity, in relation to a log trader, includes—

- (a) a body corporate:

- (b) a corporation sole;
- (c) in the case of a trust that has—
 - (i) only 1 trustee, the trustee acting in their capacity as trustee;
 - (ii) more than 1 trustee, the trustees acting jointly in their capacity as trustees;
- (d) an unincorporated body (including a partnership)

log trading transaction details means, in relation to logs that a registered log trader has traded, transferred, or, if the logs were grown by the trader, processed,—

- (a) the total annual volume of the logs; and
- (b) the grade of the logs; and
- (c) the age of the logs; and
- (d) the price of the logs; and
- (e) the species of the logs; and
- (f) the region in New Zealand from which the logs originated; and
- (g) the next immediate destination of the logs

Ministry has the meaning given in section 2(1) of the Act

record of non-compliance means a failure to comply with the obligations of a registered log trader or a forestry adviser (as applicable) under the Act, these regulations, or rules or standards made under subpart 4 of Part 2A of the Act

registered person means a registered log trader or a registered forestry adviser, as the case may be

retrievable format, in relation to a record, means accessible by the registered person who keeps the record, a client of the registered person, the Forestry Authority, or a complaints panel

Secretary has the meaning given in section 2(1) of the Act

senior manager, in relation to a person (A), means a person who is not a director but occupies a position that allows that person to exercise significant influence over the management or administration of A (for example, a chief executive or a chief financial officer)

trade means—

- (a) to buy New Zealand logs, whether after harvest or in the form of trees to be harvested at an agreed time, and whether or not the person intends to on-sell the logs; or
- (b) to export New Zealand logs

transfer means to transfer the ownership of New Zealand logs to or from a related company, whether the transfer relates to logs after harvest or in the form of trees to be harvested at an agreed time.

Regulation 3 **relevant civil liabilities**: revoked, on 6 August 2023, by regulation 4(2) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Part 1 Log traders

5 Fit and proper person requirements

The Forestry Authority must take into account the following matters in determining whether an applicant is a fit and proper person to be a registered log trader:

- (a) the legal status of the applicant (for example whether the applicant is a company or an unincorporated body):
- (b) whether the applicant has been placed in receivership or liquidation, or is subject to any other insolvency proceeding or process:
- (c) whether the applicant or a decision maker has—
 - (i) a criminal conviction that the Authority considers is relevant to the application; or
 - (ii) a civil liability that the Authority considers is relevant to the application:
- (d) the record of non-compliance (if any) of the applicant or a decision maker:
- (e) whether the applicant or a decision maker 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.

Regulation 5(c)(ii): replaced, on 6 August 2023, by regulation 5 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

6 Information that must be included in application

- (1) An application for registration as a log trader must include or be accompanied by the following information:
 - (a) the name and contact details of the applicant:
 - (b) any previous names by which the applicant has been known:

- (c) the region or regions of New Zealand in which the applicant intends to operate:
 - (d) a declaration that section 63I(2) of the Act does not or will not, in the current financial year, apply to the applicant:
 - (e) details of the activities described in section 63I(1) of the Act that the applicant undertakes or intends to undertake:
 - (f) details of any previous suspension or revocation of registration of the applicant or a decision maker as a log trader or forestry adviser:
 - (g) a declaration that the applicant is not in receivership or liquidation and is not subject to any other insolvency proceeding or process:
 - (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) 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.

Regulation 6(1)(h): replaced, on 6 August 2023, by regulation 6(1) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

Regulation 6(1)(i): replaced, on 6 August 2023, by regulation 6(1) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

Regulation 6(2): replaced, on 6 August 2023, by regulation 6(2) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

Regulation 6(3): inserted, on 6 August 2023, by regulation 6(2) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

Regulation 6(4): inserted, on 6 August 2023, by regulation 6(2) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

7 Registration period

The registration period for a log trader is 5 years, starting on the date on which the registration has effect.

8 Information that must be included in renewal of registration

- (1) An application for renewal of registration as a log trader must include or be accompanied by the following information:
 - (a) details of the applicant's current registration;
 - (b) confirmation that the information provided under regulation 6(1)(a) to (g)—
 - (i) is current; or
 - (ii) has been updated; and
 - (c) if the applicant is an entity,—
 - (i) for each decision maker,—
 - (A) the results of a criminal record check that comply with subclause (2); and
 - (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
 - (ii) confirmation that the information provided under regulation 6(2)(a) to (c) is current; and
 - (d) if the applicant is an individual,—
 - (i) the results of a criminal record check that comply with subclause (2); and
 - (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
 - (e) if the log trader has a record of non-compliance occurring during the registration period, an explanation of the non-compliance and how it has been remedied.
- (2) 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 for renewal.

Regulation 8(1)(c)(i)(B): replaced, on 6 August 2023, by regulation 7(1) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

Regulation 8(1)(c)(ii): amended, on 6 August 2023, by regulation 7(2) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

Regulation 8(1)(d)(ii): replaced, on 6 August 2023, by regulation 7(3) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

9 Duty to update forestry registration information

- (1) This regulation—
 - (a) applies if the information provided by a registered log trader (including all decision makers) under regulation 6 is no longer current; but
 - (b) does not apply to information to which section 63ZR of the Act applies.
- (2) The registered log trader must provide the updated information to the Forestry Authority within a reasonable period of time.

10 Duty to keep records

- (1) A registered log trader must take reasonable steps to keep a record of—
 - (a) their log trading transaction details; and
 - (b) any complaints or disputes relating to them in their capacity as a registered person.
- (2) The records must be kept—
 - (a) in a retrievable format; and
 - (b) for at least 7 years after the date of the transaction.

11 Duty to report to Forestry Authority

- (1) A registered log trader must provide an annual report to the Forestry Authority by 1 December—
 - (a) in a form approved by the Forestry Authority (if any); and
 - (b) covering the financial year ending on 30 June.
- (2) The report must include—
 - (a) the total annual volume of logs that the registered log trader has—
 - (i) traded; and
 - (ii) transferred; and
 - (iii) if the logs were grown by the log trader, processed; and
 - (b) confirmation that—
 - (i) the registered log trader has met their obligations under the Act, these regulations, and any rules and standards made under subpart 4 of Part 2A of the Act; and
 - (ii) the information provided under regulation 6 is current; and
 - (c) if the registered log trader has not met their obligations under the Act, these regulations, or rules or standards made under subpart 4 of Part 2A of the Act, how the non-compliance has been remedied.

12 Register of log trader information

The Forestry Authority must include the following information on the register of log traders for each registered log trader:

- (a) details of the activities described in section 63I(1) of the Act that the log trader carries out;
- (b) the region or regions of New Zealand in which the log trader operates;
- (c) *[Revoked]*
- (d) the status of the registration (for example, whether the registration is suspended).

Regulation 12(c): revoked, on 6 August 2023, by regulation 8 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

Part 2 Forestry advisers

13 Entitlement criteria to register

- (1) The Forestry Authority may only register an applicant as a forestry adviser if—
 - (a) the applicant—
 - (i) holds an NZQA Level Five or higher qualification in a course relevant to the category of registration, or an equivalent overseas qualification; and
 - (ii) has at least 2 years of experience providing forestry advice in New Zealand; or
 - (b) the applicant has at least 5 years of experience providing forestry advice in New Zealand.
- (2) Despite subclause (1), the Forestry Authority may register an applicant as a forestry adviser if—
 - (a) the applicant—
 - (i) holds a qualification described in subclause (1)(a)(i); or
 - (ii) has at least 5 years of experience working in the forestry sector; and
 - (b) a condition is imposed on the applicant's registration that their forestry adviser services must be supervised—
 - (i) for a period of 2 years starting on the date of their registration; and
 - (ii) by a person with a category of registration approved by the Forestry Authority for providing supervision.
- (3) The period of supervision required by subclause (2)(b)(i) may be reduced—
 - (a) if the Forestry Authority is satisfied that the applicant provided forestry adviser services in New Zealand for a period before 6 August 2023 (the **pre-2023 period**); and
 - (b) by a period determined by the Forestry Authority that is the lesser of the following:

- (i) 1 year:
 - (ii) the pre-2023 period.
- (4) In this regulation, **experience providing forestry advice in New Zealand** means experience gained—
 - (a) providing forestry adviser services in New Zealand before 6 August 2023; or
 - (b) providing forestry adviser services in New Zealand while registered as a forestry adviser; or
 - (c) that is a combination of the services described in paragraphs (a) and (b).

14 Fit and proper person requirements

The Forestry Authority must take into account the following matters in determining whether an applicant is a fit and proper person to be a registered forestry adviser:

- (a) whether the applicant has—
 - (i) a criminal conviction that the Authority considers is relevant to the application; or
 - (ii) a civil liability that the Authority considers is relevant to the application:
- (b) the record of non-compliance (if any) of the applicant, both as a forestry adviser and a decision maker of a registered log trader:
- (c) 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
 - (iii) disqualified from being appointed as a trustee under the Trusts Act 2019.

Regulation 14(a)(ii): replaced, on 6 August 2023, by regulation 9 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

15 Information that must be included in application

- (1) An application for registration as a forestry adviser must include or be accompanied by the following information:
 - (a) the name and contact details of the applicant:
 - (b) proof of identity of the applicant:
 - (c) any previous names by which the applicant has been known:
 - (d) if the application is made by an agent on behalf of another person, the name and contact details of the agent:

- (e) the region or regions of New Zealand in which the applicant intends to operate:
 - (f) the IRD number of the applicant:
 - (g) any previous suspension or revocation of registration of the applicant as a log trader or forestry adviser:
 - (h) the category or categories of registration that the applicant is applying for:
 - (i) evidence of any qualifications relied on by the applicant:
 - (j) evidence of any experience relied on by the applicant:
 - (k) evidence of any professional membership relied on by the applicant:
 - (l) a declaration that the applicant undertakes, or intends to undertake, some or all of the forestry adviser services described in section 63M of the Act:
 - (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):
 - (n) the results of a criminal record check that comply with subclause (2).
- (2) 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.

Regulation 15(1)(m): replaced, on 6 August 2023, by regulation 10 of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

16 Registration period

The registration period for a forestry adviser is 5 years, starting on the date on which the registration has effect.

17 Information that must be included in renewal of registration

- (1) An application for renewal of registration as a forestry adviser must include or be accompanied by the following information:
- (a) details of the applicant's current registration:
 - (b) confirmation that the information provided under regulation 15(1)—
 - (i) is current; or
 - (ii) has been updated:
 - (c) either—
 - (i) a declaration that the applicant has met the obligations of a forestry adviser under the Act, these regulations, or any rules or standards made under subpart 4 of Part 2A of the Act during the registration period set under regulation 16; or

- (ii) if the applicant has a record of non-compliance during the registration period, an explanation of the non-compliance and how it has been remedied:
 - (d) the results of a criminal record check that comply with subclause (2).
- (2) 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 for renewal.

18 Duty to update forestry registration information

- (1) This regulation—
 - (a) applies if the information provided by a registered forestry adviser under regulation 15 is no longer current; but
 - (b) does not apply to information to which section 63ZR of the Act applies.
- (2) The registered forestry adviser must provide the updated information to the Forestry Authority within a reasonable period of time.

19 Duty to keep records

- (1) A registered forestry adviser must take reasonable steps to keep—
 - (a) a record of advice they provide to clients; and
 - (b) a record of any complaints or disputes relating to them in their capacity as a registered person.
- (2) The records must be kept—
 - (a) in a retrievable format; and
 - (b) for at least 7 years after the date on which the advice is provided.
- (3) In this regulation, a **record of advice** must include—
 - (a) who provided the advice; and
 - (b) to whom the advice was provided; and
 - (c) when the advice was provided; and
 - (d) any conditions on, or assumptions made in respect of, the advice; and
 - (e) any recommendations made as part of the advice.

20 Register of forestry adviser information

The Forestry Authority must include the following information on the register of forestry advisers for each registered forestry adviser:

- (a) the region or regions of New Zealand in which the adviser operates;
- (b) the category of registration;
- (c) the status of the registration (for example, whether the registration is suspended).

Part 3

Complaints and disputes

Complaints

21 Complaints

- (1) This regulation applies if the Forestry Authority receives or initiates a complaint that a person has engaged in unsatisfactory conduct or misconduct in their capacity as a registered person.
- (2) The Forestry Authority must—
 - (a) convene a complaints panel; and
 - (b) refer the complaint to the panel.
- (3) The Forestry Authority may work with the complainant to ensure that the complaint contains sufficient information for the panel to investigate whether the person has engaged in unsatisfactory conduct or misconduct.

22 Complaints panel

- (1) The Forestry Authority must maintain a list of individuals from which a complaints panel may be convened.
- (2) The Forestry Authority may amend the list at will by written notice to the affected individual.
- (3) When the Forestry Authority convenes a complaints panel, it must appoint—
 - (a) 3 individuals from the list to make up the panel, who the Authority is satisfied meet the requirements in subclause (4); and
 - (b) 1 of those individuals to be the chairperson.
- (4) The Forestry Authority must be satisfied that—
 - (a) the individuals collectively have the knowledge, skills, and experience—
 - (i) to hear and make findings in relation to the complaint referred to the panel; and
 - (ii) relevant to the matter likely to be the subject of the complaint; and
 - (b) no individual has an actual conflict of interest in relation to the complaint referred to the panel.
- (5) The Forestry Authority must provide secretariat support for the complaints panel.

23 Conflicts of interest

- (1) An individual on the complaints panel list must, before the individual is appointed to a complaints panel, declare any actual or potential conflict of interest to the Forestry Authority.

- (2) An individual on the complaints panel list must not sit on a complaints panel if they have an actual conflict of interest in relation to the complaint referred to the panel.

24 Complaints panel may seek information

- (1) The complaints panel may, in writing, ask a person, in their capacity as a registered person, to provide information relating to a complaint—
 - (a) within a reasonable period of time specified by the panel; and
 - (b) in a format specified by the panel.
- (2) The complaints panel may ask a person to, either in person or by audiovisual link,—
 - (a) attend an interview with 1 or more of the members of the panel in relation to a complaint; or
 - (b) appear before the panel in relation to a complaint.
- (3) If a person does not comply with a request under subclause (1) or (2), the complaints panel may reflect that in its findings.
- (4) In this regulation, **audiovisual link** means, in relation to an interview or a meeting with the complaints panel, facilities that enable both audio and visual communication between participants when some or all of them are not physically present at the place of interview or meeting.

25 Complaints panel may decide not to consider complaint

The complaints panel may decide not to consider a complaint, or not to consider a complaint further, if the panel is satisfied that the complaint relates to a matter that is minor, frivolous, vexatious, or of an anti-competitive nature.

26 Complaints panel findings

- (1) The complaints panel must notify the Forestry Authority of its findings in relation to a complaint referred to it, including any decision made under regulation 25.
- (2) If the complaints panel finds that a registered person has, or may have, engaged in unsatisfactory conduct or misconduct, it may recommend that the Forestry Authority consider whether to take 1 or more of the actions specified in section 63V of the Act.
- (3) If the complaints panel makes a recommendation under subclause (2), it must provide the Forestry Authority with the reasons for the recommended action or actions.

27 Publication of complaints panel findings

- (1) The Forestry Authority may publish a finding of the complaints panel if—
 - (a) the finding is of unsatisfactory conduct or misconduct; and

- (b) all review rights under the Act have been exhausted.
- (2) The Forestry Authority may withhold or anonymise confidential or private information in any finding published under subclause (1).

Disputes about commercial matters

28 Procedure for resolving disputes about commercial matters

- (1) A person described in section 63ZJ(1) of the Act (**party A**) may serve a notice of dispute on another party (**party B**) described in that subsection if there is a dispute between them about a commercial matter.
- (2) A notice of dispute must contain the material details of the dispute (for example, what happened, when it happened, and why the dispute has arisen).
- (3) Party B must provide a written response to the notice of dispute to party A within 20 working days after receiving the notice.
- (4) The written response from party B must identify any matters from the notice of dispute on which the parties are agreed, and any matters on which they are not agreed.
- (5) Party A must provide to party B, within 10 working days after receiving the response, a written summary identifying any remaining matters in dispute.
- (6) The parties must attempt to resolve by agreement the remaining matters in dispute.

Part 4
Fees

29 Fees

- (1) The fees set out in Schedule 2 are payable on application in respect of the services (provided by the Ministry) that are specified in that schedule.
- (2) The fees must be paid to the Secretary.
- (3) The fees are exclusive of goods and services tax.

30 Secretary may exempt, waive, or refund fees

- (1) The Secretary may grant an exemption from, or a waiver or refund of, any fee for services (provided by the Ministry) specified in Schedule 2, in whole or in part, in any particular case or class of case if the Secretary is satisfied that it would be unreasonable or unfair to require payment of the fee.
- (2) An exemption, a waiver, or a refund granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

- (3) An exemption, a waiver, or a refund must be published (for secondary legislation) or notified to the named person or persons (for individual exemptions) as soon as practicable after it is made.

Legislation Act 2019 requirements for secondary legislation referred to in subclause (2)

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 ss 69, 73, 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives, unless it is excluded by section 114(2) of the Legislation Act 2019	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives, unless it is excluded by section 115 of the Legislation Act 2019	LA19 ss 115, 116

This note is not part of the regulations.

Part 5 Levy

31 Interpretation

In this Part, unless the context otherwise requires,—

levy means the levy imposed by regulation 32

levy year means a period of 12 months that starts on 1 July and ends on 30 June of the following year.

32 Levy imposed

A levy is payable to the Secretary for the purpose of funding the services provided and functions performed by the Forestry Authority.

33 Registered persons primarily responsible for paying levy

All registered persons are primarily responsible for paying the levy.

34 Basis for calculating levy

- (1) The levy (other than the levy set by regulation 37) must be calculated by dividing the costs that it is estimated the Forestry Authority will incur in the levy year by the estimated number of registered persons in New Zealand on the date on which the levy is payable.
- (2) In calculating the levy in respect of any levy year commencing after 30 June 2024 (the **new levy year**), the Secretary may take into account—
 - (a) any shortfall in recovery of annual costs incurred by the Forestry Authority in any of the 4 levy years immediately preceding the new levy year; or
 - (b) any over-recovery of annual costs incurred by the Forestry Authority in any of the 4 levy years immediately preceding the new levy year.
- (3) In this regulation,—

4 levy years immediately preceding the new levy year does not include a levy year commencing before 1 July 2023

annual costs incurred by the Forestry Authority means the costs of maintaining and monitoring, and ensuring compliance with, the registration system established for log traders and forestry advisers.

35 Secretary must collect levy

- (1) The Secretary must collect the levy.
- (2) The Secretary must not charge a collection fee.

36 Maximum rate of levy

The maximum rate of the levy is \$320 per registered person per annum.

37 Levy rate for year beginning 1 July 2023

The levy for the levy year beginning on 1 July 2023 is \$320 per registered person.

38 Secretary must fix levy rate for subsequent years

The Secretary must fix the actual rate of levy for each levy year beginning on or after 1 July 2024 in accordance with regulation 34 before the start of the levy year to which it relates.

39 Rate if no rate fixed before beginning of levy year

If the Secretary does not fix the actual rate of levy before the beginning of a levy year, the levy for that year is payable—

- (a) at the rate last fixed under regulation 38; or
- (b) if no rate has been fixed under regulation 38, at the rate set by regulation 37.

40 Notification of rate of levy

- (1) No notification of the rate of levy is required for the levy year beginning on 1 July 2023.
- (2) For each subsequent levy year, the Secretary must, before the beginning of that year, notify the rate of levy by notice in the *Gazette*.

41 When and how levy payable

- (1) The Secretary must send to the registered person a written demand for the levy payable.
- (2) The date on which the levy becomes payable is the date on which the written demand is sent to the registered person.
- (3) The due date for payment of the levy is the 20th day of the month after the month in which the levy becomes payable.

42 GST excluded

The maximum rate of the levy and any amounts referred to in this Part are exclusive of goods and services tax.

43 Secretary may exempt, waive, or refund levy

- (1) The Secretary may grant a registered person an exemption from, or a waiver or refund of, any levy imposed under regulation 32, in whole or in part, in any particular case or class of case if the Secretary is satisfied that it would be unreasonable or unfair to require payment of the levy.
- (2) An exemption, a waiver, or a refund granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.
- (3) An exemption, a waiver, or a refund must be published (for secondary legislation) or notified to the named person or persons (for individual exemptions) as soon as practicable after it is made.

Legislation Act 2019 requirements for secondary legislation referred to in subclause (2)

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 ss 69, 73, 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives, unless it is excluded by section 114(2) of the Legislation Act 2019	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives, unless it is excluded by section 115 of the Legislation Act 2019	LA19 ss 115, 116

This note is not part of the regulations.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

Schedule 1 Part 1: amended, on 6 August 2023, by regulation 15(1) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

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.

Schedule 1 clause 1: inserted, on 6 August 2023, by regulation 15(2) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

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.

Schedule 1 clause 2: inserted, on 6 August 2023, by regulation 15(2) of the Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170).

Schedule 2
Fees

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	Service	Fee
1	Application for registration as log trader or forestry adviser	\$444 per application
2	Criminal conviction check (provided by Ministry)	\$40 per check

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 30 June 2022.

Notes

1 *General*

This is a consolidation of the Forests (Regulation of Log Traders and Forestry Advisers) Regulations 2022 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)

Forests (Regulation of Log Traders and Forestry Advisers) Amendment Regulations 2023 (SL 2023/170)

Secondary Legislation Confirmation Act 2022 (2022 No 82): section 18