



Legislative requirements that relate to the milling and export of swamp kauri under the Forests Act 1949

Activities relating to the milling and export of swamp kauri are controlled under the Forests Act 1949. If you are an operator, it is important you understand and adhere to the rules that affect your business. The Ministry for Primary Industries (MPI) is responsible for implementing and enforcing the provisions of the Forests Act.

The extraction of swamp kauri is managed under the Resource Management Act 1991, meaning that Councils set the relevant rules and policies that control the activities involved in the extraction process, not MPI. If you plan to extract or purchase extracted swamp kauri, MPI recommends you contact your local council to understand the requirements that apply under the Resource Management Act.

This fact sheet provides an overview of your responsibilities if you are involved in the milling and/or export of swamp kauri.

MILLING

Swamp kauri can only be milled if the timber has an approved MPI milling statement and is milled at a sawmill registered with MPI under the Forests Act.

Milling statement:

You must have an MPI milling statement approved before any milling starts. Milling indigenous timber at an unregistered sawmill or in the absence of an approved milling statement are serious offences under the Forests Act. Penalties include fines of up to \$200,000 on conviction.

To have your milling statement approved, you must demonstrate that the swamp kauri has either been salvaged:

- » from land that is not indigenous forest land (section 67D(1)(b)(iv) of the Forests Act 1949); or
- » from indigenous forest land (including wetlands) and that the natural values of that land will be maintained when the swamp kauri is extracted (section 67D(1)(b)(v) of the Forests Act 1949).

Milling statement applications can be downloaded from the MPI website (<http://www.mpi.govt.nz/document-vault/10865>). In considering whether to approve a milling statement, MPI may require the applicant to submit additional information such as confirmation from the landowner that they have given permission for the swamp kauri timber to be salvaged.

MPI assesses whether the site is indigenous or non-indigenous forest land using photos provided by the applicant, aerial imagery and mapping information held by MPI, and local knowledge of the site. Although milling approvals do not specifically require that approval status under the Resource Management Act is provided, in some circumstances MPI contacts the relevant council to get its perspective on the site and the extraction operation. This information contributes to our assessment as to whether a milling statement approval should be issued.

Where warranted, MPI will undertake a site visit to gather information in order to reach a decision on the milling statement application. MPI can issue milling approvals with conditions attached, such as requirements to mark or tag timber in order to allow timber to be identified and traced to its source. Approval is issued in the form of a signed milling statement.

Although milling statements have no statutory time limit, MPI typically issues a milling statement for a six month period only. If during that six month period the timber is not milled then a new approval should be sourced before the timber can be milled.

Sawmill Registration:

All sawmills (irrespective of whether they are fixed or mobile) that process indigenous timber must be registered with MPI under the Forests Act. Registration is an annual process under the Forestry (Indigenous Timber Milling) Regulations 1993 and sawmills must be registered prior to milling any indigenous timber. To download a form to register a sawmill to mill indigenous timber, visit <http://www.mpi.govt.nz/document-vault/55>.

Sawmill operators are also required to submit quarterly returns detailing the indigenous timber that their mill has processed and the source of that timber. The primary purpose of these returns

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is to ensure that the timber has been obtained from approved sources and, in the instance of timber lawfully harvested from private indigenous forests, that the timber has been harvested within approved harvest limits. MPI supplies registered sawmillers with return books for making quarterly returns.

EXPORT

Swamp kauri can only be exported as a finished product or as whole or sawn swamp kauri stumps or roots. The Forests Act clearly defines what constitutes a finished product and what constitutes a stump:

- » Stumps can include that part of the trunk that extends from the ground-line to a point (up the trunk) equal to the maximum diameter of the trunk.
- » A finished or manufactured product is one that is in its final shape and form and is ready to be installed for its intended use without any further working or modification.

Other than stump timber, swamp kauri cannot be exported as whole logs, sawn timber or any unfinished product.

Exporting swamp kauri stumps and roots:

You must have an export approval before exporting swamp kauri stumps and roots. To secure export approval you must complete a “notice of intention to export swamp kauri” application form (ITE2). This can be found at <https://mpi.govt.nz/document-vault/10862>

The completed ITE2 must be sent toASUREQuality at least 10 days before your items are due to be exported and can be submitted by email (phytocerts@asurequality.com) or fax (07-575-8110). ASUREQuality, in collaboration with MPI, will undertake a visual inspection to confirm the material proposed for export meets the Forests Act definition of a stump. Exports can only progress once an approval has been given.



The Forests Act sets out a specific definition for stumps. A stump can include the roots and the trunk above the ground-line as far as the point that is the same length as the maximum diameter of the trunk. A stump can be from either a living or dead tree. Any remnant of a tree is regarded as part of a complete tree.

The Forests Act defines the ground-line as the base of either a living or dead tree where it naturally made contact with the ground.

Exporting finished or manufactured swamp kauri products:

The Forests Act provides specific guidance on what constitutes a finished or manufactured product. Such a product:

- » must be manufactured into its final shape and form and is ready to be installed or used for its intended purpose without the need for any further machining or other modification; and
- » can be a complete item or a component of an item (whether assembled or in kitset form), such as joinery.
- » does not include dressed or rough sawn timber, mouldings, panelling, furniture blanks, joinery blanks, building blanks or similar items.

MPI does not consider varnishing or oiling as further machining or modification.

Exporters of finished or manufactured products do not have to notify MPI of an intention to export. MPI does however encourage exporters to voluntarily use the notification and inspection process to confirm that exports of finished or manufactured products comply with the Forests Act. Voluntarily working within this process avoids exporters breaching the requirements of the Forests Act.

MPI receives notifications from the New Zealand Customs Service when exporters notify that they are exporting indigenous timber products (including swamp kauri products) and the New Zealand

Customs Service will not allow the export to proceed until the relevant consignment has been confirmed by MPI or ASUREQuality as being compliant with the Forests Act.

To have a finished or manufactured swamp kauri product approved for export, you can complete a “notice of intention to export swamp kauri” application form (ITE2). These can be found at <https://mpi.govt.nz/document-vault/10862>

The completed ITE2 must be sent to ASUREQuality at least 10 days before your items are due to be exported and can be submitted by email (phytocerts@asurequality.com) or fax (07-575-8110). ASUREQuality will undertake a visual inspection to confirm the material proposed for export meets the Forests Act definition of a finished or manufactured product.