THE

NEW ZEALAND GAZETTE

EXTRAORDINARY.

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WELLINGTON, TUESDAY, AUGUST 6, 1918.

Regulations imposing Restrictions on the Export of Timber.

LIVERPOOL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this sixth day of August, 1918.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section forty-seven of the Customs Act, 1913, as extended by section twenty-four of the Regulation of Trade and Commerce Act, 1914, it is enacted that the Governor-General may, by Order in Council, prohibit the exportation of any goods the prohibition of the exportation of which is in his opinion necessary in the public interest, and that such prohibition may be either absolute or such as to allow the exportation of such goods subject to any conditions or restrictions:

And whereas, in the opinion of the Governor-General, it is necessary in the public interest that the exportation of sawn timber should be prohibited to the extent and in the manner hereinafter appearing:

And whereas by section thirty-five of the War Legislation Act, 1917, it is enacted that the Governor-General in Council may, by regulations under the War Regulations Act, 1914, make such provisions as, having regard to the exigencies of the present war or the conditions created thereby, he thinks advisable for the maintenance, control, regulation, and management of any industry or business that may be regarded by him as essential for or affecting the public welfare:

And whereas the manufacture, production, and use of sawn timber is, in the opinion of the Governor-General, an industry or business affecting the public welfare, and it is desirable to make regulations for its control accordingly:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, doth hereby, in exercise of the several authorities aforesaid, make the regulations contained in Part I of the Schedule hereto; and doth hereby, in exercise of the powers conferred as aforesaid by section forty-seven of the Customs Act, 1913, and section twenty-four of the Regulation of Trade and Commerce Act, 1914,

make the regulations contained in Part II of the Schedule hereto; and doth hereby, in exercise of the powers conferred as aforesaid by the War Legislation Act, 1917, make under the War Regulations Act, 1914, the regulations contained in Part III of the Schedule hereto.

SCHEDULE.

PART I.—GENERAL.

1. THE regulations contained in this Schedule may be cited as the Timber Regulations.

2. In these regulations—

"Board of Trade" or "Board" means the Board of Trade established under the Cost of Living Act, 1915:

"Minister in Charge" or "Minister" means a member of the Executive Council for the time being charged by the Governor-General with the administration of these regulations:

"Sawmill" means a mill at which sawn timber is produced from the log.

3. For the assistance of the Minister in Charge and the Board of Trade in the exercise of the powers and authorities conferred by these regulations, there may be appointed an advisory committee, to be known as the Timber Industry Committee, which shall consist of such representatives of persons engaged in the business of sawmilling or of exporting timber from New Zealand, or in any business depending upon a supply of timber, as the Minister in Charge, on the recommendation of the Board of Trade, may from time to time appoint to hold office during his pleasure.

4. The owner or manager of every sawmill shall, within twenty-eight days after the publication of these regulations in the *Gazette*, furnish to the Board of Trade particulars as to—

(*a*.) The name and address of the owner of the mill;

(*b*.) The location of the mill; and

(*c*.) The names, addresses, and businesses of all persons who, since the 31st day of March, 1917, have obtained from the sawmill not less than 50,000 superficial feet of sawn timber.

PART II.—EXPORTATION OF TIMBER.

5. (1.) The Minister in Charge may from time to time determine, with respect to any sawmill, the minimum quantity of sawn timber of any kind or grade produced in that sawmill that may be required for use in New Zealand in any period. Such quantity may be fixed either definitely as a specified amount of timber, or indefinitely as a fractional part of the output from the mill of timber of the kind or grade referred to.

(2.) The quantity so determined by the Minister for any period in respect of any sawmill may from time to time be increased or reduced by him.

(3.) Notice of the quantity so fixed with respect to any sawmill, and of any increase or reduction thereof, shall be forthwith given to the proprietor or manager of that sawmill, by the Minister or the Board of Trade.

(4.) In fixing, with respect to any sawmill or sawmills, the minimum quantity (if any) of sawn timber required to be reserved pursuant to these regulations for use in New Zealand, the Minister may have regard to the terms of any agreement between the owners of any sawmills that, in consideration of the terms of the agreement, the whole or any specified portion of the timber that may be required for use in New Zealand from the mills owned by the parties to the agreement shall be produced in one or more specified mills to the exclusion or partial exclusion of other specified mills.

(5.) A breach of any such agreement shall not constitute a breach of these regulations, but on such breach being proved to the satisfaction of the Minister he shall forthwith adjust, in such manner as he deems equitable, the quantities of timber to be reserved for use in New Zealand from the several sawmills affected by the agreement.

6. After a notice with respect to timber of any kind or grade has been given under the last preceding clause of these regulations with respect to any sawmill, it shall not be lawful for any person (whether a sawmiller or not) to export sawn timber of that kind or grade produced at that sawmill (whether before or after the delivery of that notice)—

(*a*.) Except pursuant to a permit to export such timber issued by a Collector of Customs pursuant to the provisions of these regulations in that behalf; and

(*b.*) Unless at the date of shipment the minimum quantity of such timber as fixed for the period including the date of shipment and for all preceding periods has been disposed of by the sawmiller or some other person for use in New Zealand at a price not exceeding such maximum price (if any) as may for the time being be fixed under the provisions in that behalf of the Regulation of Trade and Commerce Act, 1914, or is reserved for use in New Zealand and is available for sale at such price, or unless security has been given to the satisfaction of the Minister that such minimum quantity will be so reserved as aforesaid.

7. (1.) Every person who proposes to export any timber after the commencement of this Order in Council shall apply to the Collector of Customs at the port of shipment for a permit to export such timber, and shall furnish to the Collector —

(*a.*) Particulars as to the kind and grade of timber proposed to be exported;

(*b.*) Particulars as to the sawmill at which the timber was produced, or, in cases where application for a permit is made before the timber has been actually produced, particulars as to the sawmill at which such timber is to be produced;

(*c.*) Particulars as to the minimum quantity (if any) of timber of the same kind or grade as the timber proposed to be exported, fixed with respect to the sawmill at which such timber was or is to be produced, for the period comprising the date of shipment, and for all preceding periods;

(*d.*) A declaration under the Customs Act, 1913, that the minimum quantity or minimum quantities so fixed have been disposed of, or have been duly reserved for use in New Zealand, at a price not exceeding the maximum price (if any) for the time being fixed under the Regulation of Trade and Commerce Act, 1914, or that security has been duly given to the satisfaction of the Minister in Charge for the reservation of such minimum quantity or minimum quantities as aforesaid; and

(*e.*) Such other particulars as may be required to satisfy the Collector that the timber proposed to be exported may be lawfully exported pursuant to these regulations.

(2.) On any application for the issue of a permit under this regulation the Collector of Customs shall issue the same if he is of opinion that the provisions of these regulations have been complied with, and not otherwise.

8. (1.) Every person carrying on business as a sawmiller or as an exporter of sawn timber, and every person requiring supplies of sawn timber for the purposes of any business carried on by him, shall from time to time make to the Minister in Charge, or to the Board of Trade, such returns as to his business as the Minister or Board of Trade may from time to time require for the purposes of this Order in Council, such returns to be verified by statutory declaration if and so far as the Minister or the Board so requires.

(2.) Without limiting the generality of the foregoing provisions of this regulation, the Minister or the Board of Trade may require any sawmiller or exporter of sawn timber, or any person requiring supplies of sawn timber for the purposes of his business as aforesaid, to furnish returns as to his business for any period subsequent to the 31st day of March, 1915.

9. The Minister in Charge may from time to time, by notice in the *Gazette*, exempt any kind or grade of timber from the operation of these regulations, and may in like manner revoke any such notice.

PART III.—WAR REGULATIONS.

10. Every person shall be guilty of an offence, and shall be liable under the War Regulations Act, 1914, accordingly, who—

(*a.*) Fails to make any return or to furnish any particulars required from him pursuant to these regulations;

(*b.*) Makes any such return which is false in any respect; or

(*c.*) Makes any false representation for the purpose of obtaining a permit under these regulations.

F. W. FURBY,
Acting Clerk of the Executive Council.

By Authority: MARCUS F. MARKS, Government Printer, Wellington.