



Climate Change (DF & LMJ Hannah Limited) Exemption Order 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 9th day of December 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to section 60 of the Climate Change Response Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Climate Change Issues made after complying with the requirements of that section, makes the following order.

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Order

1 Title

This order is the Climate Change (DF & LMJ Hannah Limited) Exemption Order 2013.

2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

3 Interpretation

In this order, unless the context otherwise requires,—

Act means the Climate Change Response Act 2002

company means DF & LMJ Hannah Limited

land means the land comprising 165.3545 hectares, more or less, being all the land in Certificate of Title SA34D/535, and being Part Section 4, Block VII, Rotoiti Survey District.

4 Exemption

- (1) The company is exempt from being a participant under the Act to the extent specified in subclause (2).
- (2) This exemption applies to 30 063 of the 44 821 units surrendered by the company in 2012 for emissions from its activity of deforesting pre-1990 forest land (which is part of the land defined in clause 3) in 2008 and 2009.
- (3) The number of units the company was liable to surrender for that activity on the land is accordingly reduced by 30 063 units.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the day after the date of its notification in the *Gazette*, grants to DF & LMJ Hannah Limited an exemption for 30 063 units surrendered by the company for emissions from its activity of deforesting pre-1990 forest land in 2008 and 2009.

DF & LMJ Hannah Limited's forest land was affected by a pest that significantly stunted the forest's growth and adversely affected carbon storage levels. As a consequence, the Crown's estimate of deforestation emissions was approximately 200% higher than the actual emissions.

Exemptions under section 60 can apply to an activity listed in Schedule 3 of the Climate Change Response Act 2002. Part 1 of Schedule 3, which applies on and after 1 January 2008,—

- applies to the deforesting of pre-1990 forest land, if the area deforested is more than 2 hectares in the 5-year period commencing on 1 January 2008 or in any subsequent 5-year period; but
- does not apply if section 179A of the Act prevents that land from being treated as deforested or if the pre-1990 forest land is affected by a natural event that permanently prevents a forest on that land from being re-established.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 12 December 2013.

This order is administered by the Ministry for the Environment.
