



Climate Change (General Exemptions) Amendment Order 2018

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 5th day of November 2018

Present:

Her Excellency the Administrator of the Government in Council

This order is made under section 60 of the Climate Change Response Act 2002—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Climate Change made after complying with the requirements of that section.

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Order

1 Title

This order is the Climate Change (General Exemptions) Amendment Order 2018.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Principal order

This order amends the Climate Change (General Exemptions) Order 2009 (the **principal order**).

4 Clause 3 amended (Interpretation)

In clause 3, insert in their appropriate alphabetical order:

activity of deforesting means the activity of—

- (a) deforesting pre-1990 forest land referred to in Part 1 of Schedule 3 of the Act; or
- (b) deforesting pre-1990 offsetting forest land referred to in Part 1A of Schedule 3 of the Act

authority means an authority to carry out an activity, or an emergency authority

authority to carry out an activity means an authority granted under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014

emergency authority means an emergency authority granted under section 62 of the Heritage New Zealand Pouhere Taonga Act 2014

heritage covenant means a covenant entered into under section 39 of the Heritage New Zealand Pouhere Taonga Act 2014

5 New clause 18 inserted (Exemption for activity of deforesting)

After clause 17, insert:

18 Exemption for activity of deforesting

- (1) A person is exempt as a participant in respect of any part of the activity of deforesting that—
 - (a) complies with a heritage covenant or an authority described in subclause (2); and
 - (b) is carried out within the area specified in the heritage covenant or authority.
- (2) The heritage covenant or authority—
 - (a) specifies the land it relates to, taking into account best practice forest management as referred to in section 179A(1) of the Act; and
 - (b) includes geospatial mapping information about the land in accordance with the Geospatial Mapping Information Standard, Emissions Trading Scheme (Forestry), ETSMAPS.6, 24-06-2015.

Rachel Hayward,
acting for 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 28th day after the date of its notification in the *Gazette*, amends the Climate Change (General Exemptions) Order 2009 (the **principal order**). It inserts *new clause 18*, which provides a person with an exemption from being a participant in respect of the activity of deforesting to the extent that it complies with a heritage covenant or an authority. The order is made under section 60 of the Climate Change Response Act 2002, which sets out the prerequisites for making the order.

The relevant deforesting of pre-1990 forest land or pre-1990 offsetting forest land may be done to comply with a heritage covenant entered into under section 39 of the Heritage New Zealand Pouhere Taonga Act 2014, an authority granted under section 48, or an emergency authority granted under section 62. The heritage covenant or authority is required to specify the land it relates to, taking into account best practice forest management, and contain geospatial information identifying the relevant area in accordance with the Geospatial Mapping Information Standard.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 8 November 2018.

This order is administered by the Ministry for Primary Industries.