



Climate Change (Mahanga 1C5 Block) Exemption 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 (Mahanga 1C5 Block) Exemption Order 2018.

2 Commencement

This order comes into force on the 28th 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

Mahanga 1C5 block means the land comprising 120.8998 hectares, more or less, being all the Maori freehold land described in Partition Order 21 WR 25 of Plan ML 1077, HB163/65, Hawkes Bay Registry

owners means the owners of the Mahanga 1C5 block at and since 1 January 2008.

4 Exemption

The owners of the Mahanga 1C5 block are exempt from being participants under Part 1 of Schedule 3 of the Act (which relates to deforesting pre-1990 forest land) in respect of the activity of deforesting pre-1990 forest land on the block on and since 1 January 2008.

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*, provides that the owners of the Mahanga 1C5 block at and since 1 January 2008 are exempt from being participants under Part 1 of Schedule 3 of the Climate Change Response Act 2002 (the **Act**) in respect of the activity of deforesting pre-1990 forest land on the block on and from 1 January 2008. Part 1 of Schedule 3 of the Act came into force on that date.

In 2009, the block had 46 hectares of forest land. In 2009/2010, 43 of the 46 hectares were harvested and deforested, and have been determined to be pre-1990 forest land, leaving 3 hectares of forest land on the block. The exemption covers the deforestation already carried out and any future deforestation of the remaining 3 hectares.

Deforestation liabilities apply under the Act to deforesting pre-1990 forest land (a Schedule 3 activity). Under section 183, a person may apply for an exemption from deforestation liabilities if the person owned a total of less than 50 hectares of pre-1990 forest land on 1 September 2007 and provides a statutory declaration to that effect.

The Mahanga 1C5 block is Maori freehold land within Te Ture Whenua Maori Act 1993. Because of uncertainty as to the number and names of owners as at 1 September 2007, it is not practicable to meet the requirements under section 183 for statutory declarations from the owners as at that date. Instead, the order is made under section 60 of the Climate Change Response Act 2002, which sets out the prerequisites for making the order.

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.