

**Reprint  
as at 1 January 2013**



**Climate Change (General  
Exemptions) Amendment Order  
2012**

(SR 2012/316)

Jerry Mateparae, Governor-General

**Order in Council**

At Wellington this 23rd day of October 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 60 of the Climate Change Response Act 2002, His Excellency the Governor-General makes the following order, acting—

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

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This order is administered by the Ministry for the Environment.**

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## Order

- 1 Title**  
This order is the Climate Change (General Exemptions) Amendment Order 2012.
- 2 Commencement**  
This order comes into force on 1 January 2013.
- 3 Principal order**  
This order amends the Climate Change (General Exemptions) Order 2009 (the **principal order**).
- 4 Clause 3 amended (Interpretation)**
  - (1) In clause 3, revoke the definition of **bobby calf**.
  - (2) In clause 3, insert in their appropriate alphabetical order:  
“**calf** means a male or female bovine that—  
“(a) is under 12 months of age; and

- “(b) weighs less than 40 kg at the slaughter point  
“**cow** means a female bovine with more than 6 permanent teeth  
“**heifer** means a female bovine with no more than 6 permanent teeth  
“**milk solids** means milk-fat and protein components of raw milk (being untreated milk) from cows, heifers, or goats  
“**slaughter point** means the final point at which the carcass is weighed before it is—  
“(a) broken down into cuts or boneless products; or  
“(b) chilled or frozen  
“**vealer** means a male or female bovine that—  
“(a) is under 12 months of age; and  
“(b) weighs between 40 kg and 160 kg at the slaughter point”.

**5 Clause 9 amended (Exemption for activity of slaughtering ruminant animals, pigs, horses, or poultry)**

- (1) In clause 9, after “in relation to the slaughter”, insert “for human consumption”.  
(2) In clause 9, replace “bobby calves” with “calves and vealers”.

**6 Clause 10 replaced (Exemption for activity of dairy processing of milk or colostrum)**

Replace clause 10 with:

**“10 Exemption for activity of dairy processing of milk or colostrum**

A person who carries out the activity (listed in subpart 3 of Part 5 of Schedule 3 of the Act) of dairy processing of milk or colostrum is exempt as a participant in respect of any of the following that apply:

- “(a) dairy processing of milk or colostrum from goats or sheep:  
“(b) dairy processing for which the person is not required to have a risk management programme registered under the Animal Products Act 1999:  
“(c) dairy processing of milk or colostrum to which paragraphs (a) and (b) do not apply if the person carries out

the dairy processing at a level that does not exceed the threshold set out in Schedule 1.”

**7 New clause 12A inserted (Exemption for operating remote disposal facilities)**

After clause 12, insert:

**“12A Exemption for operating remote disposal facilities**

- “(1) A person who carries out the activity (listed in Part 6 of Schedule 3 of the Act) of operating a disposal facility is exempt as a participant in respect of operating the disposal facility if subclause (2) applies.
- “(2) This subclause applies if—
- “(a) the disposal facility has been in operation continuously on and from 31 December 2011; and
  - “(b) the disposal facility is not a disposal facility listed in Schedule 2; and
  - “(c) one of the following applies:
    - “(i) the disposal facility—
      - “(A) is situated in mainland New Zealand; and
      - “(B) disposes of less than 1 000 net tonnes of waste per calendar year; and
      - “(C) is located 150 km or more from the nearest disposal facility listed in Schedule 2:
    - “(ii) the disposal facility—
      - “(A) is situated in mainland New Zealand; and
      - “(B) disposes of less than 500 net tonnes of waste per calendar year; and
      - “(C) is located 75 km or more from the nearest disposal facility listed in Schedule 2:
    - “(iii) the disposal facility—
      - “(A) is not situated in mainland New Zealand; and
      - “(B) is located 25 km or more from mainland New Zealand.
- “(3) In this clause,—
- “**diverted tonnage** and **gross tonnage** have the same meaning as in regulation 11(1) of the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009

“**mainland New Zealand** means the North Island or South Island of New Zealand

“**net tonnes of waste** means gross tonnage minus diverted tonnage of waste.

- “(4) For the purpose of determining the distance of a disposal facility that is not listed in Schedule 2 from a disposal facility that is listed in Schedule 2, the following apply:
- “(a) the distance is the shortest distance by—
- “(i) road; or
  - “(ii) rail; or
  - “(iii) road and rail; but
- “(b) if one of the disposal facilities is not located in mainland New Zealand, the distance is the distance by boat between the harbours closest to the disposal facilities.”

## **8 Schedule amended**

- (1) In the Schedule heading, replace “11–13, 15” with “11, 13”.
- (2) In the Schedule, after the item relating to clause 8, insert:

cl 10	Dairy processing of milk or colostrum	500 tonnes of milk solids per annum
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Clause 8(1): replaced, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

## **9 New Schedule 2 inserted**

After the Schedule, insert as Schedule 2 the schedule set out in the Schedule of this order.

## **10 Clauses 4 to 8, 11, and 13 consequentially amended**

In clauses 4 to 8, 11, and 13, replace “the Schedule of this order” with “Schedule 1”.

Clause 10 heading: amended, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Clause 10: amended, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

cl 9

**Schedule**  
**New Schedule 2 inserted in principal  
order**

cl 12A

**Schedule 2**  
**Specified disposal facilities**

**North Island**

<i>Landfill name</i>	<i>Area in which landfill located</i>
Purewa Landfill	Whangarei
Redvale Landfill	Rodney
Whitford Landfill	Manukau
Hampton Downs Landfill	Waikato
Tirohia Landfill	Hauraki
Omarunui Landfill	Hastings
Colson Road Landfill	New Plymouth
Broadlands Road Landfill	Taupo
Bonny Glen Landfill	Rangitikei
Levin Landfill	Horowhenua
Silverstream Landfill	Upper Hutt
Spicer Landfill	Porirua
Southern Landfill	Wellington City

**South Island**

<i>Landfill name</i>	<i>Area in which landfill located</i>
Eves Valley Landfill	Nelson
Kate Valley Landfill	Hurunui
Redruth Landfill	Timaru
Victoria Flats Landfill	Queenstown Lakes
Green Island Landfill	Dunedin
A B Lime Limited	Southland

Michael Webster,  
for Clerk of the Executive Council.

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Reprinted as at  
1 January 2013

**Climate Change (General Exemptions)  
Amendment Order 2012**

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**Notes****1 General**

This is a reprint of the Climate Change (General Exemptions) Amendment Order 2012. The reprint incorporates all the amendments to the order as at 1 January 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5** *List of amendments incorporated in this reprint (most recent first)*

Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89): section 103

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