



Climate Change (Forestry) Amendment Regulations (No 2) 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 16th day of December 2024

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 163 and 167 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 of Climate Change made after complying with sections 3A, 3B, and 163(5) of that Act.

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Regulations

1 Title

These regulations are the Climate Change (Forestry) Amendment Regulations (No 2) 2024.

2 Commencement

- (1) These regulations come into force on 16 January 2025.
- (2) However, regulation 7 comes into force on 19 March 2025.

3 Principal regulations

These regulations amend the Climate Change (Forestry) Regulations 2022.

4 Regulation 15A amended (Annual charges payable by participants in standard forestry removal activities or permanent forestry removal activities)

In regulation 15A(3), replace “\$30.25” with “\$14.90”.

5 Regulation 15B amended (Part-charges payable by participants)

In regulation 15B(3), formula, item b, replace “\$30.25” with “\$14.90”.

6 Regulation 15C amended (Exemptions from charges)

- (1) Replace regulation 15C(2) with:
 - (2) A person who is eligible for an exemption from a requirement to pay an annual charge may claim the exemption,—
 - (a) for the financial year ending 30 June 2025, by notifying the EPA of their eligibility no later than 14 February 2025:
 - (b) for each subsequent financial year,—
 - (i) by notifying the EPA of their eligibility before 1 July of the financial year; or
 - (ii) if the carbon accounting area is constituted within 20 working days before 1 July of that year, by notifying the EPA of their eligibility no later than 20 working days after the constitution date.
- (2) Replace regulation 15C(3) with:
 - (3) A person who is eligible for an exemption from a requirement to pay a part-charge may claim the exemption by notifying the EPA of their eligibility after the EPA has given notice to the person of the matters referred to in regulation 15B(1)(a)(i) or (ii) or (b) as follows:
 - (a) for the financial year ending 30 June 2025,—

- (i) in relation to a notice given by the EPA before 16 January 2025, by the eligible person notifying the EPA no later than 14 February 2025:
- (ii) in relation to a notice given by the EPA on or after 16 January 2025, by the eligible person notifying the EPA within 20 working days after the EPA has given notice:
- (b) for each subsequent financial year, by the eligible person notifying the EPA within 20 working days after the EPA has given notice.

7 Schedule 1 amended

- (1) In Schedule 1, replace clause 5(4) with:
 - (4) The participant may choose, in respect of the 2023–2025 MERP,—
 - (a) not to comply with regulation 58(2) (and so not have plots allocated by the end of the MERP); and
 - (b) instead of complying with regulation 70, to comply with regulation 71 as if it applied to the MERP-end emissions return (and so calculate carbon stock using tables that need not be definitive at the end of the MERP).
- (2) In Schedule 1, revoke clause 5(6).

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations amend the Climate Change (Forestry) Regulations 2022 (the **principal regulations**) and come into force on 16 January 2025. However, regulation 7 comes into force on 19 March 2025.

Regulation 15A of the principal regulations provides for annual charges payable by participants in standard forestry removal activities or permanent forestry removal activities in respect of post-1989 forest land. Regulation 15B of the principal regulations provides for part-charges payable by participants for those activities.

Regulations 15A(3) and 15B(3) require the Environmental Protection Agency (the **EPA**) to calculate the amount of the annual charge or part-charge using a multiplier of \$30.25. *Regulations 4 and 5* amend regulations 15A(3) and 15B(3) to reduce the multiplier to \$14.90.

Regulation 15C of the principal regulations provides for exemptions for eligible persons from the requirement to pay annual charges under regulation 15A and part-charges under regulation 15B.

Regulation 6 amends the requirements in regulation 15C(2) and (3) for an eligible person to claim an exemption as follows:

- regulation 15C(2) is replaced to provide that, for the financial year ending 30 June 2025, the date by which a person may notify the EPA that they are eligible for an exemption from an annual charge is 14 February 2025 instead of 1 July 2024. For subsequent financial years, the person may notify the EPA of their eligibility before 1 July of the financial year or, if the carbon accounting area is constituted within 20 working days before 1 July of that year, by notifying the EPA of their eligibility no later than 20 working days after the constitution date; and
- regulation 15C(3) is replaced to provide that, for the financial year ending 30 June 2025, if the EPA has given notice to a person of the matters referred to in regulation 15B(1)(a)(i) or (ii) or (b) before 16 January 2025, the person has until 14 February 2025 to notify the EPA of their eligibility for an exemption from a part-charge. If the EPA gives notice to the person on or after 16 January 2025, the person may notify the EPA of their eligibility for an exemption from a part-charge within 20 working days after the EPA has given notice. For subsequent financial years, the person may notify the EPA of their eligibility for an exemption from a part-charge within 20 working days after the EPA has given notice.

Regulation 7 replaces clause 5(4) of Part 1 in Schedule 1 to provide that, in respect of the mandatory emissions return period (the **MERP**) starting on 1 January 2023 and ending on 31 December 2025, all persons described in clause 5(1) are eligible to choose whether to comply with regulation 58(2) and, instead of complying with regulation 70, to comply with regulation 71 as if it applied to the MERP-end emissions return.

Cost recovery impact statement

The Ministry for Primary Industries produced a cost recovery impact statement in December 2024 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this cost recovery impact statement can be found at—

- <https://www.mpi.govt.nz/dmsdocument/66288>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry for the Environment.