



Climate Change Response (Emissions Trading Forestry Sector) Amendment Act 2009

Public Act 2009 No 19
Date of assent 30 June 2009
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Climate Change Response (Emissions Trading Forestry Sector) Amendment Act 2009.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the Climate Change Response Act 2002.

**Part 1
Forestry sector amendments**

- 4 Other regulations**
Section 168(1) is amended by inserting the following paragraph after paragraph (c):
“(ca) prescribing a date by which an application to the chief executive must be submitted under section 183, which must be no later than 1 July 2010; and”.
- 5 Applications for exemption for land holdings of less than 50 hectares of pre-1990 forest land**
 - (1) Section 183(3) is amended by omitting “subsection (1)” and substituting “subsection (2)”.
 - (2) Section 183(3) is amended by repealing paragraph (a) and substituting the following paragraph:
“(a) be submitted to the chief executive by—
 - “(i) the date prescribed by regulations made under section 168(1)(ca); or
 - “(ii) in the absence of a date prescribed by regulations made under section 168(1)(ca), the date specified

by public notice given by the chief executive,
which must be no later than 1 July 2010; and”.

- (3) Section 183(5) is amended by omitting “in that subsection” and substituting “in the public notice given under subsection (3)(a)(ii) or prescribed by regulations under section 168(1)(ca)”.

6 First emissions return for pre-1990 forest land activities

- (1) Section 196(1) is amended by inserting “in the period commencing on 1 January 2008 and ending on 31 December 2009” after “Schedule 3”.
- (2) Section 196(2) is amended by omitting “Section 65 applies” and substituting “Section 65(2) and (3) apply”.
- (3) Section 196 is amended by inserting the following subsection after subsection (2):
- “(2A) A participant referred to in subsection (1) must, by 30 April 2011 but not before 1 January 2011, surrender the number of units listed in the participant’s assessment in the emissions return submitted under subsection (1)(b) in relation to the activity.”
- (4) Section 196(3) is amended by adding “required to be submitted under section 65”.
- (5) Section 196(5) is amended by omitting “carried out in 2008, the person who carried out the activity has until 31 January 2009” and substituting “carried out in 2008 or 2009, the person who carried out the activity has until 31 January 2010”.
- (6) Section 196 is amended by adding the following subsection:
- “(7) Despite section 129(1)(b)(i), a person who carried out, before the commencement of this subsection, an activity listed in Part 1 of Schedule 3 for the period commencing with 1 January 2008 and ending with the close of 31 December 2009 is not liable under section 129(1)(b)(i) if the person notifies the chief executive of that activity on or before 31 January 2010.”

7 New section 196A inserted

The following section is inserted after section 196:

“196A Power to withdraw or suspend certain draft allocation plans

- “(1) This section applies to any draft allocation plan publicly notified under section 78(3) before the commencement of this section.
- “(2) If this section applies, the Minister may, by public notice, withdraw or suspend the draft allocation plan.
- “(3) If the Minister suspends a draft allocation plan, the public notice must specify the period of suspension.
- “(4) However, the Minister may, by subsequent public notice, end the suspension before the period of suspension expires.
- “(5) When, or as soon as is reasonably practicable after, the suspension ends or expires, the Minister must renotify the draft allocation plan in accordance with section 78(3) and (4).
- “(6) When a suspension ends or expires, the report required under section 78(5) must contain recommendations in respect of any submissions made under section 78(4) on the draft allocation plan before or after its suspension.
- “(7) If the Minister withdraws a draft allocation plan, a new draft allocation plan must be prepared under section 78.
- “(8) The Minister must ensure that a public notice given under subsection (2) or (4) is made available in hard copy at the office of, and is accessible via the Internet site of the department of, the chief executive responsible for the administration of this Act and at such other places as the Minister considers appropriate.”

Part 2

Miscellaneous technical amendments

8 Allocation to agriculture

Section 76(1) is amended by omitting “powers this section and section 78(2)” and substituting “powers”.

9 Draft allocation plans

Section 78(3)(b) is amended by omitting “the Act” and substituting “this Act”.

10 Incorporation by reference in regulations made under section 163

The heading to section 169 is amended by omitting “**section 163**” and substituting “**section 163, 164, 165, 167, or 168**”.

11 Amendments to Summary Proceedings Act 1957

- (1) This section amends the Summary Proceedings Act 1957.
- (2) The item relating to the Climate Change Response Act 2002 in Part 2 of Schedule 1 is amended by—
 - (a) omitting “120” and substituting “133”; and
 - (b) omitting “offence” and substituting “offences”.

Legislative history

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| 18 June 2009 | Introduction (Bill 47–1) |
| 23 June 2009 | First reading and referral to Emissions Trading Scheme Review Committee |
| 26 June 2009 | Reported from Emissions Trading Scheme Review Committee (Bill 47–2) |
| 30 June 2009 | Second reading, committee of the whole House, third reading |
| 30 June 2009 | Royal assent |

This Act is administered by the Ministry for the Environment.
