

Reprint
as at 1 October 2018



Climate Change (Agriculture Sector) Regulations 2010 (SR 2010/335)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of September 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 163 and 168 of the Climate Change Response Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Climate Change Issues, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title

These regulations are the Climate Change (Agriculture Sector) Regulations 2010.

2 Commencement

These regulations come into force on 1 January 2011.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Climate Change Response Act 2002

bull means an uncastrated male bovine

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

cattle means any group or combination of bulls, calves, cows, heifers, steers, or vealers

cow means a female bovine with more than 6 permanent teeth

customs point means the point where goods are entered for import under section 75 or export under section 89 of the Customs and Excise Act 2018

ewe means a female sheep with more than 2 permanent teeth

heifer means a female bovine with no more than 6 permanent teeth

hogget means a male sheep or female sheep with 1 or 2 permanent teeth

lamb means a male or female sheep that does not have any permanent teeth

milk solids means milk-fat and protein components of raw milk (being untreated milk) from cows, heifers, or goats

ram means an uncastrated male sheep with more than 2 permanent teeth

sheep means any group or combination of ewes, hoggets, lambs, rams, or wethers

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

steer means a castrated male bovine

synthetic fertilisers containing nitrogen means a nitrogen-containing substance or mix of substances, produced by chemical manufacture,—

- (a) whose main function is to provide nutrients for plants; and
- (b) which is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through its application to plants or soil

tonne, in relation to regulation 5 or 6, includes part of a tonne

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

wether means a castrated male sheep with more than 2 permanent teeth.

Regulation 3 **bull**: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(2) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **calf**: inserted, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(1) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **cattle**: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(2) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **cow**: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(2) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **customs point**: amended, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

Regulation 3 **deer**: revoked, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(6) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **heifer**: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(3) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **hind**: revoked, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(6) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **layer hen**: revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 3 **milk fat**: revoked, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(6) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **milk solids**: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(4) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **raw milk**: revoked, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(6) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **stag**: revoked, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(6) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 3 **steer**: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 5(5) of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

4 EPA may issue guidelines or standards

- (1) The EPA may, by notice in the *Gazette*, issue guidelines or standards in relation to the information required to be collected by these regulations.
- (2) The EPA may, by notice in the *Gazette*, amend or revoke a guideline or standard.
- (3) A participant who complies with a guideline or standard that is issued under this regulation, and is in force, is to be treated as complying with the requirements of these regulations to which the guideline or standard relates.

Regulation 4 heading: amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 4(1): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 4(2): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

5 Information required to calculate emissions from importing or manufacturing synthetic fertilisers containing nitrogen

A participant who, in a year, carries out the activity of importing or manufacturing synthetic fertilisers containing nitrogen must collect and record the following information for the year:

- (a) the total number of tonnes of synthetic fertilisers containing nitrogen imported (recorded at the customs point) or manufactured (measured at the point of manufacture); and
- (b) the percentage of nitrogen in the synthetic fertilisers containing nitrogen recorded under paragraph (a); and
- (c) the total number of tonnes of nitrogen contained in the synthetic fertilisers containing nitrogen recorded under paragraph (a), calculated by mul-

- tiplying the total number of tonnes of fertiliser recorded under paragraph (a) by the percentage of nitrogen recorded under paragraph (b); and
- (d) the total number of tonnes of synthetic fertilisers containing nitrogen exported (recorded at the customs point) from New Zealand; and
 - (e) the percentage of nitrogen in the synthetic fertilisers containing nitrogen recorded under paragraph (d); and
 - (f) the total number of tonnes of nitrogen contained in synthetic fertilisers containing nitrogen recorded under paragraph (d), calculated by multiplying the total number of tonnes of fertiliser recorded under paragraph (d) by the percentage of nitrogen recorded under paragraph (e).

6 Method of calculating emissions from importing or manufacturing synthetic fertilisers containing nitrogen

A participant who, in a year, carries out the activity of importing or manufacturing synthetic fertilisers containing nitrogen must use the following formula to calculate emissions from the activity for the year:

$$E = (A - B) \times 5.72$$

where—

- E is the emissions in tonnes from the synthetic fertilisers containing nitrogen imported or manufactured
- A is the total number of tonnes of nitrogen recorded by the participant under regulation 5(c)
- B is the total number of tonnes of nitrogen as recorded by the participant under regulation 5(f).

7 Information required to calculate emissions from slaughtering certain cattle, deer, goats, pigs, poultry, or sheep

- (1) This regulation applies to a participant who, in a year,—
 - (a) carries out the activity of slaughtering for human consumption cattle (other than calves and vealers), deer, goats, pigs, poultry, or sheep; and
 - (b) is the operator of a risk management programme registered under the Animal Products Act 1999 for the slaughter of animals.
 - (c) *[Revoked]*
- (2) The participant must collect and record, for each animal type listed in table 1 of the Schedule slaughtered during the year, the total number of tonnes of that animal type slaughtered for human consumption, as calculated at the slaughter point.

Regulation 7: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 6 of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 7(1)(a): amended, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 7(1)(b): replaced, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 7(1)(c): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

8 Method of calculating emissions from slaughtering certain cattle, deer, goats, pigs, poultry, or sheep

- (1) This regulation applies to a participant who, in a year,—
 - (a) carries out the activity of slaughtering for human consumption cattle (other than calves and vealers), deer, goats, pigs, poultry, or sheep; and
 - (b) is the operator of a risk management programme registered under the Animal Products Act 1999 for the slaughter of animals.
 - (c) *[Revoked]*

- (2) The participant must use the following formula to calculate emissions from the activity for the year for each animal type:

$$E = A \times B$$

where—

E is the emissions in tonnes from the slaughter of an animal type for which information is recorded under regulation 7

A is the total number of tonnes of that animal type as recorded under regulation 7

B is the emissions factor set out in table 1 of the Schedule for that animal type.

- (3) If the participant carries out the slaughtering of more than 1 animal type, the participant must add up the results of the calculation for each animal type and record the total.

Regulation 8: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 6 of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Regulation 8(1)(a): amended, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 8(1)(b): replaced, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

Regulation 8(1)(c): revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

9 Information required to calculate emissions from dairy processing of milk or colostrum

A participant who, in a year, carries out the activity of dairy processing of milk or colostrum from cows or heifers must collect and record the total quantity in tonnes of milk solids from the cows or heifers subject to dairy processing by the participant in the year.

Regulation 9: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 6 of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

10 Method of calculating emissions from dairy processing of milk or colostrum

A participant who, in a year, carries out the activity of dairy processing of milk or colostrum from cows or heifers must use the following formula to calculate emissions from the activity for the year:

$$E = A \times 8.5$$

where—

E is the emissions in tonnes from the dairy processing of milk or colostrum from the cows or heifers

A is the total quantity in tonnes of milk solids from the cows or heifers as recorded under regulation 9.

Regulation 10: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 6 of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

11 Information required to calculate emissions from exporting from New Zealand live cattle, pigs, or sheep

A participant who, in a year, carries out the activity of exporting from New Zealand live cattle, pigs, or sheep in accordance with an animal welfare export certificate must collect and record the total number of animals of each animal type listed in table 2 of the Schedule that are exported live from New Zealand during the year.

Regulation 11: amended, on 25 October 2012 (applying on and from 1 January 2012), by regulation 7 of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

12 Method of calculating emissions from exporting from New Zealand live cattle, pigs, or sheep

- (1) A participant who, in a year, carries out the activity of exporting from New Zealand live cattle, pigs, or sheep in accordance with an animal welfare export certificate must use the following formula to calculate emissions from the activity for the year for each animal type:

$$E = A \times B$$

where—

E is the emissions in tonnes from the animals exported live from New Zealand for each animal type for which information is recorded under regulation 11

A is, where information is recorded under regulation 11 for an animal type, the total number of animals of that animal type that are exported live from New Zealand in the year

B is the emissions factor for the animal type dealt with in A.

- (2) If a participant carries out the exporting of more than 1 animal type, the participant must add up the results of the calculation for each animal type and record the total.

13 Information required to calculate emissions from producing eggs*[Revoked]*

Regulation 13: revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

14 Method of calculating emissions from producing eggs*[Revoked]*

Regulation 14: revoked, on 1 January 2013, by section 103 of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012 (2012 No 89).

15 Emissions returns must record total emissions

An emissions return submitted by a participant required to comply with these regulations must record—

- (a) the emissions calculated under each of the relevant provisions of these regulations; and
- (b) the total emissions from the relevant activities in the relevant year, calculated by adding together the emissions calculated under each of the relevant provisions of these regulations.

Schedule Emissions factors

rr 7, 8, 11

Schedule: replaced, on 25 October 2012 (applying on and from 1 January 2012), by regulation 8 of the Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315).

Table 1 Slaughtering certain cattle, deer, goats, pigs, poultry, or sheep

Animal type	Emissions factor for each tonne of animal type calculated at slaughter point
<i>Cattle</i>	
Bull (other than a calf or vealer)	12.70
Cow (other than a calf or vealer)	12.70
Heifer (other than a calf or vealer)	12.70
Steer (other than a calf or vealer)	12.70
<i>Sheep</i>	
Hogget	12.70
Lamb	12.70
Ram	12.70
Other adult sheep (being a ewe or wether)	12.70
<i>Others</i>	
Deer	21.00
Goat	12.70
Pig	1.76
Poultry	0.20

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

Table 2 Exporting live cattle, pigs, or sheep

Animal type	Emissions factor for each animal type for live export
Cattle	2.30
Pig	0.12
Sheep	0.27

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Climate Change (Agriculture Sector) Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Customs and Excise Act 2018 (2018 No 4): section 443(4)

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

Climate Change (Agriculture Sector) Amendment Regulations 2012 (SR 2012/315)

Environmental Protection Authority Act 2011 (2011 No 14): section 53(2)