



Climate Change (General Exemptions) Order 2009

Anand Satyanand, Governor-General

Order in Council

At Wellington this 30th day of November 2009

Present:

His Excellency the Governor-General in Council

Pursuant to section 60 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 made after complying with the requirements of that section, makes the following order.

Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
	<i>Exemption for entire activity</i>	
4	Exemption for activity of importing coal	2
5	Exemption for activity of using geothermal fluid	2
6	Exemption for activity of combusting used oil or waste oil	3
7	Exemption for activity of producing gold	3

Exemption for part of activity

- | | | |
|---|---|---|
| 8 | Exemption for activity of mining coal in form of peat | 3 |
|---|---|---|

Schedule

4

Exemption thresholds for certain activities

Order

1 Title

This order is the Climate Change (General Exemptions) Order 2009.

2 Commencement

This order comes into force on 31 December 2009.

3 Interpretation

In this order, unless the context otherwise requires, **Act** means the Climate Change Response Act 2002.

Exemption for entire activity

4 Exemption for activity of importing coal

A person who is carrying out the activity of importing coal listed in Part 3 of Schedule 3 of the Act is exempt as a participant in respect of the activity if the person imports coal at a level that does not exceed the threshold set out in the Schedule of this order.

5 Exemption for activity of using geothermal fluid

A person who carries out the activity of using geothermal fluid for the purpose of generating electricity or industrial heat listed in Part 3 of Schedule 3 of the Act is exempt as a participant in respect of the activity if the person uses geothermal fluid for the purpose of generating electricity or industrial heat at a level that does not exceed the threshold set out in the Schedule of this order.

6 Exemption for activity of combusting used oil or waste oil

A person who carries out the activity of combusting used oil or waste oil for the purpose of generating electricity or industrial heat listed in Part 3 of Schedule 3 of the Act is exempt as a participant in respect of the activity if the person combusts used oil or waste oil at a level that does not exceed the threshold set out in the Schedule of this order.

7 Exemption for activity of producing gold

A person who carries out the activity of producing gold listed in Part 4 of Schedule 3 of the Act is exempt as a participant in respect of the activity if the person produces gold at a level that does not exceed the threshold set out in the Schedule of this order.

*Exemption for part of activity***8 Exemption for activity of mining coal in form of peat**

A person who carries out the activity of mining coal where the volume of coal mined exceeds 2 000 tonnes in a year listed in Part 3 of Schedule 3 of the Act is exempt as a participant in respect of the part of the activity that concerns the mining of coal in the form of peat if the person mines coal in the form of peat at a level that does not exceed the threshold set out in the Schedule of this order.

Schedule
Exemption thresholds for certain activities

cls 4–8

Exemption	Activity	Threshold
cl 4	Importing coal	2 000 tonnes of coal per annum
cl 5	Using geothermal fluid for the purpose of generating electricity or industrial heat	4 000 tonnes of carbon dioxide equivalent emissions per annum, as calculated in accordance with the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009
cl 6	Combusting used oil or waste oil for the purpose of generating electricity or industrial heat	1 500 tonnes of used or waste oil per annum
cl 7	Producing gold	5 000 tonnes of carbon dioxide equivalent emissions per annum, as calculated in accordance with the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009
cl 8	Mining coal in the form of peat	10 000 tonnes of peat per annum

Rebecca Kitteridge,
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 31 December 2009, exempts persons, who do not exceed certain thresholds, from being participants in respect of certain activities listed in Parts 3 and 4 of Schedule 3 of the Climate Change Response Act 2002.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 December 2009.
This order is administered by the Ministry for the Environment.
