

Resource Management (Climate Protection) Amendment Bill

Member's Bill

Explanatory note

Climate change represents a grave threat to the future of our entire planet. Tackling climate change requires action at a local level, as greenhouse gas emissions occur from a wide variety of sources. Local government can, through its influence on transport and land use planning, and its transport policy have a major impact on greenhouse gas emissions from motor vehicles. Local government is also the consent authority for stationary sources of CO₂ emissions such as thermal power stations.

The Resource Management (Energy and Climate Change) Amendment Act 2004 removed the ability of local government to consider the effect of CO₂ emissions (and other greenhouse gases) on climate change when making rules in regional plans or determining air discharge consents. The rationale for this was that it would be dealt with through a national instrument. However, such an instrument has yet to be forthcoming and in the meantime new applications for consent to emit CO₂ are being considered and approved with no regard for climate change.

The ability of consent authorities to consider climate change ought to be in place at least until a national instrument is well established and is shown to be effective.

This Bill repeals those sections of the Resource Management (Energy and Climate Change) Amendment Act which prevent the consideration of climate change in the granting of air discharge consents and the formulation of regional plans.

Clause by clause analysis

Clause 1 is the Title of the Bill.

Clause 2 provides for the Bill to come into force on the day after the day on which it receives the Royal assent.

Clause 4 states the Bill's purpose

Clause 5 repeals Section 70A of the Resource Management Act 1991 in order to allow regional councils to control discharges to air of greenhouse gases on the basis of their effects on climate change.

Clause 6 repeals that part of Section 70B of the principal Act which limits regional councils' discretion in respect of controlling discharges of greenhouse gases.

Clause 7 repeals section 104E of the principal Act to allow regional councils to consider effects on climate change of discharges into air of greenhouse gases when considering an application for a discharge permit or coastal permit.

Clause 8 repeals that part of section 104F which limits regional councils' discretion in this respect.

Clauses 9 and 10 make consequential amendments to the Resource Management (Energy and Climate Change) Amendment Act 2004. The purpose provision in section 3 is amended to remove the prohibition on considering the effects on climate change of discharges into air of greenhouse gases. Section 9 of that Act is repealed, reinstating any rules to the effect that existed when the Act was passed.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Resource Management (Climate Protection) Amendment Act **2006**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

3	Principal Act amended This Act amends the Resource Management Act 1991.	
4	Purpose The purpose of this Act is to ensure regional councils are able to take into account the effect of greenhouse gas emissions on climate change, including when— (a) considering applications for air discharge consents: (b) developing rules in regional plans.	5
	Part 1 Amendments to principal Act	10
5	Application to climate change of rules relating to discharge of greenhouse gases Section 70A is repealed.	
6	Implementation of regulations made under section 43 Section 70B is amended by omitting “, provided the rules are no more or less restrictive than the regulations”.	15
7	Applications relating to discharge of greenhouse gases Section 104E is repealed.	
8	Implementation of regulations made under section 43 Section 104F is amended by omitting from paragraph (a) “; but”, and by repealing paragraph (b).	20
	Part 2 Consequential amendments to Resource Management (Energy and Climate Change) Amendment Act 2004	25
9	Purpose Section 3 of the Resource Management (Energy and Climate Change) Amendment Act 2004 is amended by repealing paragraph (b)(ii).	

**10 Transitional provision relating to rules made before
commencement of Act**

Section 9 of the Resource Management (Energy and Climate
Change) Amendment Act 2004 is repealed.