



Cabinet Environment, Energy and Climate Committee

Minute of Decision

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Forestry-related Decisions: Delegation of Power to a Subgroup of Ministers

Portfolio **Climate Change**

On 25 June 2020, the Cabinet Environment, Energy and Climate Committee:

- 1 **noted** that the Climate Change Response Act 2002 (the Act) enables the Minister for Climate Change to recommend an Order in Council be made to exempt pre-1990 deforestation liabilities or participation, subject to considerations in section 60;
- 2 **noted** that section 60 exemptions are typically considered by Cabinet but, given their procedural nature, it may be more appropriate to consider the more straightforward exemptions through a sub-group of Ministers while Cabinet focuses on the COVID-19 recovery;
- 3 **noted** that the Climate Change Response (Emissions Trading Reform) Amendment Bill will introduce section 60A to the Act which will enable similar exemptions to section 60, but for post-1989 forests;
- 4 **noted** that as a result of potential disruptions to replanting due to COVID-19, there may be a need to grant exemptions under section 60 and / or section 60A, and that fast decision-making will assist participants to make timely business decisions;
- 5 **delegated** Cabinet's authority to approve policy decisions that would enable consultation and the drafting of Orders in Council granting exemptions under section 60 and section 60A of the Act, to a subgroup of Ministers, subject to the following limitations:
 - 5.1 the exemptions granted can only be for forestry activities in the Act: Parts 1 and 1A of Schedule 3, and Part 1 of Schedule 4;
 - 5.2 the subgroup can only consider exemptions that have discrete, well-defined issues which clearly meet the statutory criteria in the Act;
 - 5.3 exemptions that are more finely balanced or have significant impacts would continue to be considered by Cabinet instead of the subgroup;
 - 5.4 the power to make these recommendations lasts for a maximum period of 12 months from this decision;

- 6 **agreed** that the sub-group of Ministers comprise the Minister of Forestry, the Minister for Climate Change and the Minister of Finance;
- 7 **authorise** the sub-group of Ministers to release consultation documents to meet consultation requirements in the Act for section 60 and section 60A;
- 8 **noted** that all draft Orders in Council recommending an exemption will still be considered by the Cabinet Legislation Committee.

Vivien Meek
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Kelvin Davis
Hon David Parker (Chair)
Hon Stuart Nash
Hon Nanaia Mahuta
Hon Damien O'Connor
Hon James Shaw
Hon Eugenie Sage

Officials present from:

Officials Committee for ENV

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