



LEG paper for Ministerial consultation: Inclusion of agricultural emissions provisions

Date Submitted:	31 October 2019	Tracking #: 2019-B-06185	
Security Level	In Confidence	MfE Priority:	Urgent

	Action sought:	Response by:
To Hon James Shaw, Minister for Climate Change	Approval/Referral	31 October 2019

Actions for Minister's Office Staff	Forward this report to Ministers listed in Appendix 2. Return the signed report to MfE.
Number of appendices and attachments 2	Titles of appendices and attachments (ie separate attached documents): 1. LEG paper, Inclusion of agricultural emissions provisions [REDACTED]
Note any feedback on the quality of the report	

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	William Tait, Senior Policy Analyst, Agriculture and Climate Change	-	
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Director	Roger Lincoln, Director, Climate Change	027 290 7625	

LEG paper for Ministerial consultation: Inclusion of agricultural emissions provisions

1. This briefing provides a draft LEG paper (Appendix 1) for your approval and formal consultation with relevant Ministers over 31 October–6 November.
2. You have directed that the paper be submitted directly for consideration at Cabinet Committee on 11 November. The paper seeks Cabinet's approval to refer draft legislative provisions on agricultural emissions to the Environment Select Committee for inclusion in the Climate Change Response (Emissions Trading Reform) Amendment Bill (the Bill).

Draft legislative amendments on agricultural emissions

3. The draft legislative text provided in Appendix 1 of the LEG paper appears in tracked-change format for ease of reference. The text shows amendments to relevant sections of the existing Climate Change Response Act 2002 (the Act). This draft text will be converted into the correct legislative amendment format closer to the time of lodging the LEG paper on 7 November.

Withheld under s9(2)(h)

5. We consider the Annex 1 milestones in the Commitment help provide clarity and certainty as to how the sector's progress will be measured. However, we note the milestones are draft and would likely need to be further improved.
6. For example, milestone 4(3) aims to incorporate mitigation of brassica rape in the National Greenhouse Gas Inventory by 2020. We have advised that this will not be possible until 2021 at the earliest, due to the annual inventory submission process, and because MPI is still in the process of collecting the necessary information on brassica rape. Therefore, it is likely this particular milestone would need to be amended or removed.

Withheld under s9(2)(f)(iv)

Next steps for Ministerial consultation and Cabinet approval

9. The Bill was introduced on 24 October and is expected to have its First Reading in the week of 4 November. This will trigger the beginning of the Select Committee process.
10. We recommend that you approve the paper, including any minor feedback, for circulation with relevant Ministers over 31 October–6 November. The Ministers are listed in the consultation cover sheet provided in Appendix 2 of this briefing note.
11. Lodging the paper by 10am on 7 November will ensure the agricultural provisions can be approved by Cabinet and referred to the Select Committee at the earliest opportunity.
12. There is a risk that any significant feedback received from Ministers could delay lodging the LEG paper on 7 November. This is highly unlikely, given the stage of the policy and legislative process. However, the paper could be lodged late with Cabinet Office on Friday 8 November, or, alternatively, it could be considered at the next Cabinet meeting on 18 November.

Recommendations

1. We recommend that you:

- a. **Approve** the LEG paper attached at Appendix 1 for formal Ministerial consultation, including any minor feedback

Yes/No

- b. **Agree** to forward the LEG paper to the Ministers listed in Appendix 2 for their feedback by 6 November

Yes/No

- c. **Note** that the draft legislative text provided in Appendix 1 of the LEG paper is in tracked-change format for ease of reference and will be converted to the correct amendment format closer to the time of lodging the paper on 7 November

Withheld under s9(2)(f)(iv)

- e. **Agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website

Yes/No

Signature



Mark Storey
Manager
Agriculture and Climate Change

Hon James Shaw
Minister for Climate Change

Date

Appendix 1. Draft LEG Paper, Inclusion of agricultural emissions provisions

[withheld as final version of this cabinet paper is publicly available on www.mfe.govt.nz]

Appendix 1. Draft legislative text on agricultural emissions

[withheld as the final version of this document is publicly available on www.parliament.nz as a supplementary order paper for the Climate Change Response Act (Emissions Trading Reform) Bill]

