



# Approval to lodge: Climate Change (Eligible Industrial Activities) Amendment Regulations 2023

Date Submitted:	2 March 2023	Tracking #: BRF-2869	
Security Level	Policy and Privacy In-Confidence	MfE Priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
Hon James SHAW, Minister of Climate Change	Approve lodgement of the attached Cabinet paper for consideration at the Cabinet Legislation Committee (LEG) meeting on 16 March 2023	6 March 2023

Actions for Minister's Office Staff	Return the signed report to MfE
Number of appendices and attachments: 2	<b>Cabinet paper:</b> Emissions Trading Scheme Climate Change (Eligible Industrial Activities) Amendment Regulations 2023 <b>Draft</b> Emissions Trading Scheme Climate Change (Eligible Industrial Activities) Amendment Regulations 2023

## Key contacts

Position	Name	Cell phone	1st contact
Principal Author	Dave Hodson		
Responsible Manager	Kate Whitwell	s 9(2)(a)	✓
Director	Melody Guy		

# Approval to lodge: Climate Change (Eligible Industrial Activities) Amendment Regulations 2023

1. This briefing seeks your approval to lodge the attached Cabinet paper *Emissions Trading Scheme: Climate Change (Eligible Industrial Activities) Amendment Regulations 2023* (Appendix 1) for the Cabinet Legislation Committee (LEG) meeting on 16 March 2023.
2. You approved the Cabinet paper for Ministerial consultation on 12 February [BRF-2711: *Draft Cabinet paper: Emissions Trading Scheme Climate Change (Eligible Industrial Activities) Amendment Regulations 2023* refers]. There have been no changes to the version circulated for Ministerial consultation other than minor editorial fixes.
3. Cabinet approval to authorise the submission of the *Climate Change (Eligible Industrial Activities) Amendment Regulations 2023* to the Executive Council is needed to meet necessary timeframes.
4. These regulations will update the allocative baselines used in calculating industrial allocation for the New Zealand Aluminium Smelter Limited (NZAS).
5. The amendment regulations need to be published in the New Zealand Gazette by 31 March 2022 to allow sufficient time for NZAS to meet the 30 April deadline for industrial allocation applications.
6. The draft *Climate Change (Eligible Industrial Activities) Amendment Regulations 2023* are attached at Appendix 2. The final amendment regulations will be lodged by the Parliamentary Counsel Office on 9 March in time for your LEG meeting on 16 March. Talking points will be provided early next week.


## Recommendations

We recommend that you:

- a. **Approve** lodgement of the *Emissions Trading Scheme Climate Change (Eligible Industrial Activities) Amendment Regulations 2023* Cabinet paper on 9 March for consideration at the Cabinet Legislation Committee meeting on 16 March
- b. **Note** the draft Climate Change (Eligible Industrial Activities) Amendment Regulations 2022 are attached at Appendix 2)
- c. **Note** that talking points will be provided early next week.

Yes/No

## Signature

Kate Whitwell Manager – ETS Policy <b>Climate Change Group</b>	
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Hon James SHAW Minister of Climate Change	
Date	

## Appendix 1: Cabinet paper: Climate Change (Eligible Industrial Activities) Amendment Regulations 2023

Proactively Released under the Official Information Act

## Appendix 2: Draft Climate Change (Eligible Industrial Activities) Amendment Regulations 2023

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