

Appendix 3

Definitions from the Climate Change Response Act 2002

DEFINITIONS FROM THE CLIMATE CHANGE RESPONSE ACT 2002

For ease of reference, the relevant definitions from the Act needed by landowners to assess the eligibility of their land to receive an allocation or an exemption are repeated below. See also, the explanation provided in the section of this report called *Land Eligible to Receive an Allocation of NZUs*.

Additional terms have also been included to assist in the understanding of this document.

Definitions under the Act

associated person

A person is an associated person in relation to one or more other persons if:

- (a) each person is a body corporate and each of the bodies corporate—*
 - (i) consist substantially of the same members or shareholders; or*
 - (ii) are under the control of the same persons; or*
- (b) any of the bodies corporate—*
 - (i) has the power, directly or indirectly, to exercise, or control the exercise of, 25% or more of the voting power at a meeting of the other; or*
 - (ii) is able to appoint or control 25% or more of the governing body of the other.*

clear, *in relation to a tree,—*

- (a) includes—*
 - (i) felling, harvesting, burning, removing by mechanical means, spraying with a herbicide intended to kill the tree, or undertaking any other form of human activity that kills the tree; and*
 - (ii) felling, burning, killing, uprooting, or destroying by a natural cause or event; but*
- (b) does not include pruning or thinning*

deforest *in relation to forest land –*

(a) means to convert forest land to land that is not forest land; and

(b) includes clearing land, where the following applies

A hectare of forest land must be treated as deforested if the forest species on that land have been cleared and:

- *4 years after clearing, the hectare has not:*
 - *been replanted with at least 500 stems of forest species; or*
 - *naturally established a covering of at least 500 stems of forest species; or*
- *10 years after clearing, predominantly exotic forest species are growing, but that hectare does not have tree crown cover of at least 30% from trees that have reached 5 metres in height; or*
- *20 years after clearing, predominantly indigenous forest species are growing, but that hectare does not have tree crown cover of at least 30% from trees that have reached 5 metres in height.*

Deforestation does not include forest land that is replanted or allowed to regenerate after harvesting has occurred. Deforestation is treated as occurring on the date that the hectare is cleared as part of the deforestation process.

exempt land—

- (a) means pre-1990 forest land that has been declared to be exempt land—
- (i) under section 183; or
 - (ii) under section 184 and in respect of which the conditions in section 184(6) have been met; but
- (b) does not include any forest land that met the definition in paragraph (a), but has been deforested, and in respect of which the number of NZUs that would have been required to be surrendered in relation to an activity listed in Part 1 of Schedule 3, had the land not been exempt land, have been surrendered under section 187(2)

exotic forest species means a forest species that is not an indigenous forest species

forest land—

- (a) means an area of land of at least 1 hectare that has, or is likely when the forest species reach maturity to have, tree crown cover from forest species of more than 30% in each hectare; and
- (b) includes an area of land that temporarily does not meet the requirements specified in paragraph (a) because of human intervention or natural causes but that is likely to revert to land that meets the requirements specified in paragraph (a); but
- (c) does not include—
- (i) a shelter belt of forest species, where the tree crown cover at maturity has, or is likely to have, an average width of less than 30 metres; or
 - (ii) an area of land where the forest species have, or are likely to have, a tree crown cover at maturity of an average width of less than 30 metres, unless the area is contiguous with land that meets the requirements specified in paragraph (a) or (b).

forest species means a tree species capable of reaching at least 5 metres in height at maturity in the place where it is located

indigenous forest species means a forest species that occurs naturally in New Zealand or has arrived in New Zealand without human assistance

landowner

landowner—

- (a) in relation to Crown land, means the appropriate Minister (as that term is defined in section 2(2) of the Crown Minerals Act 1991); and
- (b) in relation to land other than Crown land, means—
- (i) the legal owner of a freehold estate in the land; or
 - (ii) if the land is Māori customary land (as defined in section 4 of Te Ture Whenua Māori Act 1993), the person or persons who have title to the land as determined under Te Ture Whenua Māori Act 1993; or
 - (iii) if the land is Māori freehold land (as defined in section 4 of Te Ture Whenua Māori Act 1993), the legal owner of the land

pre-1990 forest land—

- (a) *means forest land—*
- (i) *that was forest land on 31 December 1989; and*
 - (ii) *that remained as forest land on 31 December 2007 (taking into account para (c)); and*
 - (iii) *where the forest species on the forest land on 31 December 2007 consisted predominantly of exotic forest species; but*
- (b) *does not include any forest land that met the definition in paragraph (a) but*
- (i) *has been deforested and in respect of which any liability to surrender NZUs arising in relation to an activity listed in Part 1 of Schedule 3 of the Act has been satisfied; or*
 - (ii) *was declared to be exempt land, has been deforested, and the number of NZUs that would have been required to be surrendered in relation to an activity listed in Part 1 of Schedule 3 of the Act had the land not been exempt land, have been surrendered under section 187(2).*
- (c) *pre-1990 exotic forest land in respect of which conversion to non-forest land had commenced prior to 31 December 2007, is to be treated as deforested on 31 December 2007 if, on that date, the land had—*
- (i) *no standing exotic forest species (dead or alive), other than a strip of standing exotic forest species that had, or was likely at maturity to have, tree crown cover of an average width of less than 30 metres; and*
 - (ii) *no other merchantable timber from exotic forest species.*

GLOSSARY OF TERMS

Carbon credit

A tradable unit representing the right to emit one tonne of carbon dioxide emissions. (See “New Zealand Unit”).

Carbon stock

The total carbon in a forest including stemwood, bark, branches, leaves, litter, woody debris, stumps and roots.

Commitment period (CP)

A range of years within which Parties to the Kyoto Protocol are required to meet their greenhouse gas emissions target. The target is averaged over the years of the commitment period. The first commitment period is 2008–12. The targets are set relative to greenhouse gas emissions in the base year (in New Zealand’s case, 1990), multiplied by five.

Crown forest licence land

Between 1990 and 1992 the Crown sold the majority of its exotic plantation forests but retained the land for use in future Treaty of Waitangi settlements. This land is now Crown forest land. The Crown granted Crown forest licences to private companies to plant and harvest trees.

Emissions

The release of greenhouse gases into the atmosphere.

Greenhouse gases (GHGs)

Greenhouse gases are constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation. Greenhouse gas emissions covered by the emissions limitation or reduction commitment for the first commitment period of the Kyoto Protocol are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulphur hexafluoride (SF₆).

Kyoto Protocol

A protocol to the United Nations Framework Convention on Climate Change that includes emissions limitation or reduction commitments for ratifying countries listed in its Annex B (developed countries and economies in transition) (see <http://unfccc.int/resource/docs/convkp/kpeng.html> for further information).

New Zealand Emissions Unit Register (NZEUR)

See www.eur.govt.nz.

New Zealand Unit (NZU)

An instrument created under law that can be bought and sold, and used to meet an entity’s obligations under an emissions trading scheme. In the New Zealand Emissions Trading Scheme, one New Zealand Unit corresponds to one metric tonne of carbon dioxide equivalent emissions. Sometimes called an ‘emission unit.’

Sequestration

The uptake and storage of carbon. Carbon can be sequestered by plants and soil and in underground/deep sea reservoirs.

Shapefile

An electronic file that is used for digital mapping and is a standard mapping format used within the New Zealand forest industry. It is a data storage format for storing the location, shape and attributes (characteristics and properties) of geographic features. The Climate Change Regulations 2008 use the term "Geospatial mapping information" to refer to what is commonly known as a shapefile. Schedule 5 of the Regulations provide more detail on the information that a shapefile must contain. For people who do not have access to the software necessary to create a shapefile, MAF provides an online mapping tool for land owners to meet this requirement.

Attribute data is what is known about a feature. Examples of attributes include address, name, size, value etc. Attributes are usually stored in databases or spreadsheets and can be linked to Geographical Information System (GIS) spatial data.