



Climate Change (Fishing Allocation Plan) Order 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 31st day of May 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 70 and 74 of the Climate Change Response Act 2002, His Excellency the Governor-General, acting on the recommendation of the Minister for Climate Change Issues and on the advice and with the consent of the Executive Council, makes the following order.

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Order

- 1 Title**
This order is the Climate Change (Fishing Allocation Plan) Order 2010.
- 2 Commencement**
This order comes into force on 15 June 2010.
- 3 Allocation plan issued**
The fishing allocation plan set out in the Schedule is issued.

Schedule

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Fishing allocation plan

- 1 Title**
This allocation plan is the fishing allocation plan.
- 2 Commencement**
As provided for in section 70(3) of the Act, this allocation plan comes into force on the day after the date on which it is presented to the House of Representatives.
- 3 Interpretation**
In this allocation plan, unless the context otherwise requires,—
Act means the Climate Change Response Act 2002
eligible person means a person who was shown on the quota register kept under Part 8 of the Fisheries Act 1996 as an owner of fishing quota on 24 September 2009
unique identifier, in relation to an eligible person, means the unique identifier assigned to that person under the Fisheries Act 1996.
- 4 Requirements for provision of data and information**
 - (1) To receive an allocation of New Zealand units under this allocation plan, an eligible person, or a person authorised on behalf

of the eligible person, must submit an application that provides the following information:

- (a) the eligible person's name, as it appeared, on 24 September 2009, on the quota register kept under Part 8 of the Fisheries Act 1996; and
 - (b) the eligible person's holding account number in the New Zealand Emission Unit Register; and
 - (c) the eligible person's unique identifier; and
 - (d) any other evidence necessary to establish that the eligible person is eligible to receive an allocation of New Zealand units under this allocation plan.
- (2) The information provided under subclause (1) must be accompanied by a signed declaration that—
- (a) all of the information that has been provided is true and correct to the best of the eligible person's knowledge and belief; and
 - (b) if the declaration is signed by a person other than the eligible person, the person making the declaration is authorised to make the declaration on behalf of the eligible person.
- (3) An application for an allocation of New Zealand units submitted under this clause must be in the form, and be submitted by the date, specified by public notice given by the Minister under section 77(1) of the Act.

5 Allocation of New Zealand units

An eligible person who complies with clause 4 is entitled under this allocation plan to an allocation of New Zealand units calculated in accordance with the formula set out in section 74(2)(c) of the Act, namely—

$$P = A \times (B + C) / (D + E)$$

where—

- P is the eligible person's allocation entitlement under the fishing allocation plan
- A is 700 000 New Zealand units
- B is the total quota weight equivalent (expressed in kilograms) of stocks, other than Foveaux Strait dredge

oysters, owned by the eligible person on the close of 24 September 2009

- C is the total quota weight equivalent (expressed as a number of oysters) of Foveaux Strait dredge oyster stock owned by the eligible person on the close of 24 September 2009 divided by 9.8
- D is the sum of the total allowable commercial catch (expressed in kilograms) of stocks, other than Foveaux Strait dredge oysters (excluding any quota shown on the quota register kept under Part 8 of the Fisheries Act 1996 as being owned by the Crown), on the close of 24 September 2009
- E is the sum of the total allowable commercial catch (expressed as a number of oysters) of the Foveaux Strait dredge oyster stock (excluding any quota shown on the quota register kept under Part 8 of the Fisheries Act 1996 as being owned by the Crown) on the close of 24 September 2009 divided by 9.8.

6 Total of 700 000 New Zealand units may be allocated
A total of 700 000 New Zealand units may be allocated under this allocation plan.

7 Rounding
A number that results from a calculation made under clause 5 must be rounded to the nearest whole number as follows:

- (a) if the fractional part of the number is less than 0.5 it must be rounded down:
- (b) if the fractional part of the number is 0.5 or more it must be rounded up.

8 Record-keeping requirements
An eligible person to whom New Zealand units are allocated under this allocation plan must retain, for a minimum of 7 years from the date on which the units are transferred to the person, copies of all information submitted by the person with the application for an allocation under this allocation plan.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 15 June 2010, issues a fishing allocation plan under section 70(1) of the Climate Change Response Act 2002. Under section 70(3) of that Act, the allocation plan comes into force on the day after the date it is presented to the House of Representatives.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 June 2010.
This order is administered by the Ministry for the Environment.
