



# **Climate Change (Emissions Rulings: Fees and Charges) Regulations 2010**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 26th day of July 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 167 of the Climate Change Response Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## **Regulations**

### **1 Title**

These regulations are the Climate Change (Emissions Rulings: Fees and Charges) Regulations 2010.

### **2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

### **3 Interpretation**

In these regulations,—

**application** means an application for an emissions ruling under section 107 of the Climate Change Response Act 2002

**charge** means a charge prescribed by these regulations

**fee** means a fee prescribed by these regulations.

### **4 Fee and charge on and after 1 October 2010**

- (1) This regulation applies to an application received on or after 1 October 2010.
- (2) The fee payable for the application is \$470.00.
- (3) The charge payable for the application is \$117.50 for each hour or part of an hour spent in processing the application after the first 4 hours.

### **5 Goods and services tax**

Fees and charges are inclusive of goods and services tax payable under the Goods and Services Tax Act 1985, if any.

### **6 Estimates**

- (1) When an applicant has made an application,—
  - (a) the applicant may request the chief executive to provide an estimate of the total charge payable for the application; and

- (b) the chief executive must provide the estimate.
- (2) When an applicant makes an application that the chief executive considers will take longer than 4 weeks to process, the chief executive must provide the applicant with an estimate of the time likely to be taken to process the application.
- (3) If the chief executive provides an estimate under this regulation that the chief executive later considers incorrect, the chief executive must provide the applicant with a corrected estimate.
- (4) If the chief executive has provided an estimate under this regulation,—
  - (a) the applicant may request the chief executive from time to time to update the estimate; and
  - (b) the chief executive must provide an update each time the applicant requests one.

#### **7 Minimisation of charges**

The chief executive must take all practicable steps to minimise the amount of charges.

#### **8 Time of payment of fee and charge**

- (1) A fee must be paid at the time at which the application is made.
- (2) The chief executive may invoice payment of a charge periodically or as a lump sum.
- (3) A charge must be paid on receipt of an invoice from the chief executive.

#### **9 Exemptions, waivers, and refunds**

In exceptional circumstances, the chief executive may—

- (a) exempt an applicant from paying all or part of a fee or charge:
- (b) waive the payment of all or part of a fee or charge:
- (c) refund all or part of a fee or charge paid.

#### **10 Reimbursement of costs of services**

- (1) This regulation applies if the chief executive obtains advice from a third party on an application.
- (2) The applicant must reimburse the full costs to the chief executive of obtaining the advice.

**11 Fee and charge before 1 October 2010**

- (1) This regulation applies to an application received before 1 October 2010.
- (2) The fee payable for the application is \$460.00.
- (3) The charge payable for the application is \$115.00 for each hour or part of an hour spent in processing the application after the first 4 hours.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations prescribe the fees and charges payable for binding rulings under the Climate Change Response Act 2002.

The regulations come into force 28 days after they are notified in the *Gazette*.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 29 July 2010.

These regulations are administered by the Ministry of Economic Development.

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