Carbon Rights Legislation Amendment Bill 1998

Explanatory note
This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:
(a)   to amend the *Conveyancing Act 1919*:
   (i) to recognise that rights associated with carbon sequestered from the atmosphere by trees and forests may be a kind of forestry right and can be the subject of certain forestry covenants, and
   (ii)to make it clear that an obligation in respect of the vesting of ownership of trees on land that is the subject of a forestry right may constitute a forestry covenant, and
   (iii)   to clarify the elements of the existing definition of **forestry right** by making it clear that a forestry right exists if an interest in land entitles its holder to enter the land and to establish, maintain and harvest (or to just maintain and harvest) a crop of trees on the land even if no entitlement is also conferred to construct and use buildings, works and other facilities on the land, and
   (iv)   to provide for matters of a savings or transitional nature,
(b)   to amend the *Forestry Act 1916* to enable the Forestry Commission to acquire and trade in such rights, provide various services to investors and incorporate a corporation (whether by joining with any other person or otherwise) to assist it in exercising its functions,
(c)   to amend the *Electricity (Pacific Power) Act 1950* and *Energy Services Corporations Act 1995* to enable electricity generators and distributors to trade in such rights.
Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.
Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.
Clause 3 is a formal provision giving effect to the amendments to the Acts set out in Schedules 1–4.
Schedules 1–4 make the amendments to the *Conveyancing Act 1919*, *Electricity (Pacific Power) Act 1950*, *Energy Services Corporations Act 1995* and *Forestry Act 1916* described above.