



Conservation Amendment Act 2012

Public Act 2012 No 61
Date of assent 30 August 2012
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Conservation Amendment Act 2012.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Conservation Act 1987.

4 New sections 17ZAA and 17ZAAB inserted

The following sections are inserted after section 17Z:

“17ZAA Concession may continue after application for new concession

- “(1) This section applies if—
- “(a) a concession is due to expire; and
 - “(b) the concessionaire applies for a new concession for the same activity; and
 - “(c) the application complies with section 17R and includes the information required by section 17S(1) and (2); and
 - “(d) the application meets the timing requirement in subsection (2) or (3); and
 - “(e) the concessionaire has complied with the terms and conditions of the existing concession.
- “(2) The application meets the timing requirement if it is made at least 6 months before the existing concession expires.
- “(3) The application also meets the timing requirement if—
- “(a) it is made in the period starting 6 months before, and ending 3 months before, the existing concession expires; and
 - “(b) the Minister, in his or her discretion, allows the application to be made within that period.
- “*Minister decides to grant new concession*
- “(4) Subsection (5) applies if—
- “(a) the Minister decides to grant the new concession; and
 - “(b) the concessionaire does not apply for reconsideration under section 17ZJ(b) before 1 of the following things happens:
 - “(i) the new concession document is signed by the parties:
 - “(ii) the specified deadline is reached.

- “(5) The concessionaire may continue to operate under the existing concession until 1 of the things described in subsection (4)(b)(i) and (ii) happens.
- “(6) Subsection (7) applies if—
- “(a) the Minister decides to grant the new concession; and
 - “(b) the concessionaire applies for reconsideration under section 17ZJ(b) before 1 of the following things happens:
 - “(i) the new concession document is signed by the parties:
 - “(ii) the specified deadline is reached.
- “(7) The concessionaire may continue to operate under the existing concession until 1 of the following things happens:
- “(a) the new concession document is signed by the parties:
 - “(b) the Minister completes or declines to carry out the reconsideration.
- “*Minister declines to grant new concession*
- “(8) Subsection (9) applies if—
- “(a) the Minister declines to grant the new concession; and
 - “(b) the concessionaire does not apply for reconsideration under section 17ZJ(a) before the specified deadline.
- “(9) The concessionaire may continue to operate under the existing concession until the specified deadline.
- “(10) Subsection (11) applies if—
- “(a) the Minister declines to grant the new concession; and
 - “(b) the concessionaire applies for reconsideration under section 17ZJ(a) before the specified deadline.
- “(11) The concessionaire may continue to operate under the existing concession until the Minister completes or declines to carry out the reconsideration.
- “(12) This section does not apply to an existing concession if section 17ZAAB already applies to the concession.
- “*Meaning of specified deadline*
- “(13) In this section, **specified deadline** means the sooner of the following times:
- “(a) the end of the day that is 1 month after the day of the Minister’s decision to grant or to decline to grant the new concession:

- “(b) the end of any time limit for the concessionaire to apply for reconsideration under section 17ZJ that is prescribed by regulations made under section 48AA, including any extension of the time limit.

“17ZAAB Concession may continue after process initiated under section 17ZG(2)(a)

- “(1) This section applies if—
 - “(a) a concession is due to expire; and
 - “(b) the Minister has exercised a power under section 17ZG(2)(a) to initiate a process that relates to an application for a concession; and
 - “(c) an application by the concessionaire for a new concession for the same activity would be inconsistent with the process if the application were made when written notice is given under paragraph (d); and
 - “(d) the concessionaire gives written notice to the Minister that the concessionaire wants to continue to operate under the existing concession under this section; and
 - “(e) the written notice meets the timing requirement in subsection (2) or (3); and
 - “(f) the concessionaire has complied with the terms and conditions of the existing concession.
- “(2) The written notice meets the timing requirement if it is given at least 6 months before the existing concession expires.
- “(3) The written notice also meets the timing requirement if—
 - “(a) it is given in the period starting 6 months before, and ending 3 months before, the existing concession expires; and
 - “(b) the Minister, in his or her discretion, allows the written notice to be given within that period.
- “(4) The concessionaire may continue to operate under the existing concession until—
 - “(a) the Minister has decided to grant or to decline to grant a concession for each application made in accordance with the process initiated under section 17ZG(2)(a); and
 - “(b) each applicant’s right to apply for reconsideration under section 17ZJ has been resolved as described in subsection (6), (8), (10), or (12).

“Minister decides to grant applicant’s concession

- “(5) Subsection (6) applies if—
- “(a) the Minister decides to grant the applicant’s concession; and
 - “(b) the applicant does not apply for reconsideration under section 17ZJ(b) before 1 of the following things happens:
 - “(i) the concession document is signed by the parties:
 - “(ii) the specified deadline is reached.
- “(6) The applicant’s right to apply for reconsideration is resolved when 1 of the things described in subsection (5)(b)(i) and (ii) happens.
- “(7) Subsection (8) applies if—
- “(a) the Minister decides to grant the applicant’s concession; and
 - “(b) the applicant applies for reconsideration under section 17ZJ(b) before 1 of the following things happens:
 - “(i) the concession document is signed by the parties:
 - “(ii) the specified deadline is reached.
- “(8) The applicant’s right to apply for reconsideration is resolved when 1 of the following things happens:
- “(a) the concession document is signed by the parties:
 - “(b) the Minister completes or declines to carry out the reconsideration.

“Minister declines to grant applicant’s concession

- “(9) Subsection (10) applies if—
- “(a) the Minister declines to grant the applicant’s concession; and
 - “(b) the applicant does not apply for reconsideration under section 17ZJ(a) before the specified deadline.
- “(10) The applicant’s right to apply for reconsideration is resolved when the specified deadline is reached.
- “(11) Subsection (12) applies if—
- “(a) the Minister declines to grant the applicant’s concession; and
 - “(b) the applicant applies for reconsideration under section 17ZJ(a) before the specified deadline.

- “(12) The applicant’s right to apply for reconsideration is resolved when the Minister completes or declines to carry out the reconsideration.
- “(13) This section does not apply to an existing concession if section 17ZAA already applies to the concession.
- “*Meaning of specified deadline*
- “(14) In this section, **specified deadline** means the sooner of the following times:
- “(a) the end of the day that is 1 month after the day of the Minister’s decision to grant or to decline to grant the relevant applicant’s concession:
 - “(b) the end of any time limit for the relevant applicant to apply for reconsideration under section 17ZJ that is prescribed by regulations made under section 48AA, including any extension of the time limit.”

5 New section 48AA inserted

The following section is inserted after section 48:

“48AA Regulations prescribing time limits for applications for concessions

- “(1) The Governor-General may, by Order in Council, make regulations for 1 or more of the following purposes:
- “(a) prescribing a time limit for the Minister or the applicant to do anything under Part 3B in relation to an application for a concession under Part 3B or another enactment that applies Part 3B, if Part 3B does not already prescribe a time limit for doing that thing:
 - “(b) prescribing a time limit for the Director-General to satisfy the requirement of section 49(2)(c) or (d) in relation to an application for a concession under Part 3B or another enactment that applies Part 3B:
 - “(c) providing for how a prescribed time limit may be extended (for example, at the Minister’s discretion or by agreement between the Minister and the applicant):
 - “(d) providing for the extent to which a prescribed time limit may be extended:
 - “(e) providing for the consequences of not meeting a prescribed time limit or any extension of the time limit:

“(f) providing for any other matters relating to a prescribed time limit.

“(2) In this section, **prescribed time limit** means a time limit prescribed by regulations made under this section.”

Legislative history

22 August 2012	Divided from Regulatory Reform Bill (Bill 269–2) by committee of the whole House as Bill 269–3D
23 August 2012	Third reading
30 August 2012	Royal assent

This Act is administered by the Department of Conservation.
