Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2018

Public Act 2018 No 20
Date of assent 10 July 2018
Commencement see section 2

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Schedule

New Part 2 inserted into Schedule 1

The Parliament of New Zealand enacts as follows:

1 Title
This Act is the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2018.

2 Commencement
This Act comes into force on the day after the date on which it receives the Royal assent.
3 **Principal Act**
This Act amends the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the *principal Act*).

4 **Section 14 amended (Restriction on ministerial direction to Environmental Protection Authority)**
In section 14, replace “Parts 3 and 4” with “Parts 3A and 4”.

5 **New section 52A inserted (Cost recovery for boards of inquiry)**
After section 52, insert:

52A **Cost recovery for boards of inquiry**
(1) The Minister may recover from an applicant the actual and reasonable costs incurred in relation to a board of inquiry appointed under section 52 or 99A.

(2) The Minister must, upon request by an applicant, provide an estimate of the costs likely to be recovered under this section.

(3) When recovering costs under this section, the Minister must have regard to the following criteria:
   (a) the sole purpose is to recover the reasonable costs incurred in respect of the matter to which the costs relate;
   (b) the extent to which any activity by the applicant reduces the costs to the Minister in carrying out any of the Minister’s functions, powers, or duties.

(4) The costs referred to in subsection (1) are a debt due to the Crown that is recoverable by the EPA on behalf of the Crown in any court of competent jurisdiction.

(5) The Minister may, in writing, delegate to the EPA his or her functions, powers, and duties under this section.

(6) *See* sections 143 to 147 in relation to recovery of costs incurred by the EPA.

6 **Section 99 amended (Application for consent for nationally significant cross-boundary activity referred to board of inquiry)**
Repeal section 99(5)(b).

7 **Schedule 1 amended**
In Schedule 1, after Part 1, insert the Part 2 set out in the Schedule of this Act.
Schedule

New Part 2 inserted into Schedule 1

Part 2

Provision relating to Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2018

3 Boards of inquiry in process before commencement of section 52A

Section 52A does not apply to a board of inquiry appointed in respect of an application for a section 20 activity if the application—

(a) was made before the date of commencement of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2018; and

(b) complied with section 38.

Legislative history

3 May 2018  Introduction (Bill 55–1)
8 May 2018  First reading and referral to Environment Committee
6 June 2018  Reported from Environment Committee (Bill 55–2)
3 July 2018  Second reading
4 July 2018  Committee of the whole House (Bill 55–3)
5 July 2018  Third reading
10 July 2018  Royal assent

This Act is administered by the Ministry for the Environment.