



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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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

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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.