

## Changes to public conservation land concessions regime

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Businesses operating on public conservation land should now have increased certainty and experience some improvements in concessions processing due to recent amendments to the Conservation Act 1987, Anderson Lloyd Lawyers Partner Maree Baker-Galloway says.

“Companies operating in public conservation land areas have experienced difficulties at the time of concessions renewals and the Government’s latest changes allow for operations to continue during the renewal process which will help prevent unnecessary business disruption,” she says.

Firms undertaking business in public conservation land areas have to apply for concessions to do so and they are known as concession holders.

Examples of tourism businesses affected by the changes include ski fields, guided walks, jet boat trips, nature tours, kayak tours and helicopter companies. Other concession holders include wind and hydro power generators, accommodation providers and film and advertisement companies.

“New regulations prescribing time limits for processing applications will reduce delay and also increase certainty for applicants, but there is no indication of when any such regulations will come into force,” Baker-Galloway says.

The Conservation Amendment Act 2012 is the latest in a line of changes to the Conservation Act that flow from the Department of Conservation’s 2010 review of the concessions processing regime.

“This review resulted in a number of proposed changes to improve the timeliness, efficiency, certainty and transparency of the concessions process,” Baker-Galloway says.

The changes introduced by the 2012 Amendment Act took effect on August 31.

One change allows existing concession holders to continue to operate during the process of applying for a replacement concession even if their term has expired.

A concession holder whose term has expired and who has been declined a replacement concession is also allowed to continue to operate until the Minister of Conservation has formally reconsidered the decision.

Under the new law, the Governor-General will have the power to make regulations that prescribe time limits for processing concession applications.

The latest changes back up amendments made in 2010 to enable licences to be granted for up to 10 years without mandatory public notification, to increase the maximum term for permits from five to 10 years, and to prevent people from making applications for concessions when the Minister of Conservation has already initiated a tender process for the particular activity. Ends

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