

CLAUSE NOTES

Historic Cultural Heritage Amendment (Validation) Bill 2014

Clause 1 Short title and citation

Clause 2 Commencement

The Act commences on the day on which this Act receives Royal Assent.

Clause 3 Principal Act

The Principal Act referred to is the *Historic Cultural Heritage Act 1995*.

Clause 4 Section 46 is inserted after section 45 of the Principle Act

Section 46(1) Applications made before commencement of *Historic Cultural Heritage Amendment Act 2013*

This section defines the following terms:

“former Act” refers to the Act in force at any time before the day on which section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force, replacing the former Part 6.

“former Part 6” refers to Part 6 of the Act in force at any time before the day on which section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force, replacing the former Part 6.

“interim period approval” refers to:

(a) an approval given under the former Part 6 between the day on which section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force and the day this validation Act commences, as if the former Part 6 had applied during that period; or

(b) an approval without determination given under section 42 of this Act immediately before section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force, as if the former Part 6 had applied before this validation Act commences.

“interim period” refers to the period of time between the day on which section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force and the day this validation Act commences.

“Part 6 substitution day” refers to the day on which section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force, replacing the former Part 6.

“surviving application” refers to an application made under s32 of the former Act at any time before section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force, replacing the former Part 6 and was approved, taken to be approved or refused under the former Act, or was withdrawn.

“validation Act commencement day” refers to the day on which this validation Act commences.

Section 46(2)

This section specifies that Part 6 of the Act in force immediately before section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force replacing that Part, is taken to have been in force in the interim period for a surviving application, interim period approval or approval for a surviving application until such time as the applications, interim period approval or approval for a surviving application ceases to be in force.

It also specifies that Part 6 of the Act in force immediately before section 22 of the *Historic Cultural Heritage Amendment Act 2013* came into force replacing that Part continues to be in force after this validation Act commences for a surviving application, interim period approval or approval for a surviving application until such time as the applications, interim period approval or approval for a surviving application ceases to be in force.

The reasons for a surviving application, interim period approval or approval for a surviving application ceasing to be in force include, among other things, the withdrawal of an application and the revocation of an approval such as by virtue of the result of a decision of the Resource Management Planning Appeal Tribunal.

Clause 5 Expiry of Act

This clause specifies that this Act is repealed 365 days from the date of commencement.