



New Zealand Legislation

Crown Minerals Amendment Act 2013

**Reprint
as at 24 May 2013**



Crown Minerals Amendment Act 2013

Public Act 2013 No 14
Date of assent 19 April 2013
Commencement see section 2

Note

Changes authorised by [section 17C](#) of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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Part 2

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Schedule 4

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crown Minerals Amendment Act 2013.

2 Commencement

This Act comes into force on the earlier of the following:

- (a) the date appointed by the Governor-General by Order in Council:
- (b) the date that is 2 years after the date on which the Act receives the Royal assent.

Section 2(a): this Act brought into force, on 24 May 2013, by the [Crown Minerals Amendment Act 2013 Commencement Order 2013](#) (SR 2013/121).

3 Principal Act

This Act amends the [Crown Minerals Act 1991](#) (the **principal Act**).

4 Long Title repealed

Repeal the [Long Title](#).

5 Section 1 amended (Short Title and commencement)

In the heading to [section 1](#), delete “**Short**”.

6 New sections 1A and 1B inserted

After [section 1](#), insert:

“1A Purpose

“(1) The purpose of this Act is to promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand.

“(2) To this end, this Act provides for—

- “(a) the efficient allocation of rights to prospect for, explore for, and mine Crown owned minerals; and
- “(b) the effective management and regulation of the exercise of those rights; and
- “(c) the carrying out, in accordance with good industry practice, of activities in respect of those rights; and
- “(d) a fair financial return to the Crown for its minerals.

“1B Provisions affecting application of Act

Schedule 1 contains savings and transitional provisions that affect other provisions of this Act (*see* section 106).”

7 Part 1 heading replaced

Replace the [Part 1](#) heading with:

“Part 1
“Preliminary provisions”.

8 Cross-heading above section 2 repealed

Repeal the [cross-heading](#) above section 2.

9 Section 2 amended (Interpretation)

(1) In [section 2\(1\)](#), insert in their appropriate alphabetical order:

“**appropriate Minister** has the meaning given by section 2A

“**chief executive** means the chief executive of the department that, with the authority of the Prime Minister, is responsible for the administration of this Act

“**consent authority** has the same meaning as in section 2(1) of the Resource Management Act 1991

“**continental shelf** has the same meaning as in section 2(1) of the Continental Shelf Act 1964

“**existing privilege** means any of the following:

- “(a) any mining privilege granted under Part 4 of the Mining Act 1971:
- “(b) any mining privilege or licence referred to in section 136(b) and (c) of the Mining Act 1971:

- “(c) any coal mining right or other right, lease, sublease, tenancy, licence, or easement granted under the Coal Mines Act 1979:
- “(d) any prospecting licence or mining licence granted under Part 1 of the Petroleum Act 1937 or authorisation granted under Part 2 of that Act:
- “(e) any authorisation given, agreement entered into, or grant of rights under the Iron and Steel Industry Act 1959, and any existing rights referred to in section 5 of that Act
- “**good industry practice**, in relation to an activity, means acting in a manner that is technically competent and at a level of diligence and prudence reasonably and ordinarily exercised by experienced operators engaged in a similar activity and under similar circumstances, but (for the purposes of this Act) does not include any aspect of the activity regulated under environmental legislation
- “**Health and Safety Regulator** means the department that, with the authority of the Prime Minister, is responsible for the administration of the Health and Safety in Employment Act 1992
- “**internal waters** has the meaning given by section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977
- “**local authority** means a regional council or a territorial authority (as those terms are defined in section 5 (1) of the Local Government Act 2002)
- “**offshore** means anywhere that is the seaward side of the mean high-water mark
- “**participating interest** means an undivided share of a permit that is expressed as a percentage recorded on the permit
- “**permit operator** means the person described in section 27
- “**permit participant** means a person who holds a participating interest in a permit
- “**permit year** means the period of 12 months from the commencement of a permit, or any successive period of 12 months from an anniversary of the commencement of a permit
- “**regulatory agency** means—
- “(a) the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011:
- “(b) a consent authority:
- “(c) Maritime New Zealand and the Director of Maritime New Zealand:
- “(d) the Health and Safety Regulator:
- “(e) the Department of Conservation
- “**royalties** means money payable to the Crown under section 33(1)(c) in accordance with—
- “(a) section 34(b); or
- “(b) regulations made under section 105A
- “**special purpose mining activity** means an activity carried out to demonstrate historical mining methods
- “**specified Act** means the—
- “(a) Health and Safety in Employment Act 1992:
- “(b) Maritime Transport Act 1994:
- “(c) Resource Management Act 1991:
- “(d) Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- “**speculative prospector** has the meaning given by section 90C(7)
- “**Tier 1 permit** has the meaning given by section 2B(1)
- “**Tier 2 permit** has the meaning given by section 2B(2)
- “**underground gas storage facility** means a natural reservoir into which petroleum is injected in a gaseous state for subsequent extraction
- “**work programme** means a programme of work to be undertaken by a permit holder in relation to the holder's permit”.
- (2) In [section 2\(1\)](#), definition of **coal**, replace “peat, and oil shale” with “and peat”.
- (3) In [section 2\(1\)](#), replace the definition of **enforcement officer** with:
- “**enforcement officer**,—
- “(a) other than for the purposes of sections 101A to 101C, means a person appointed under section 99A:
- “(b) for the purposes of sections 101A to 101C, has the meaning given by section 101C(6)”.
- (4) In [section 2\(1\)](#), definition of **gold fossicking area**, replace “declared under section 98” with “designated under section 98 or 98A”.
- (5) In [section 2\(1\)](#), definition of **minerals programme**, replace “section 18” with “section 19”.
- (6) In [section 2\(1\)](#), definition of **minimum impact activity**, after paragraph (b), insert:
- “(ba) taking small samples offshore by low-impact mechanical methods:”.
- (7) In [section 2\(1\)](#), replace the definition of **mining** with:
- “**mining**—
- “(a) means to take, win, or extract, by whatever means,—
- “(i) a mineral existing in its natural state in land; or
- “(ii) a chemical substance from a mineral existing in its natural state in land; and
- “(b) includes—

- “(i) the injection of petroleum into an underground gas storage facility; and
“(ii) the extraction of petroleum from an underground gas storage facility; but
“(c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)”.
- (8) In [section 2\(1\)](#), replace the definition of **mining operations** with:
“mining operations—
“(a) means operations in connection with mining, exploring, or prospecting for any Crown owned mineral; and
“(b) includes, when carried out at or near the site where the mining, exploration, or prospecting is undertaken,—
“(i) the extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral; and
“(ii) the construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and
“(iii) the removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral; and
“(iv) the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations; and
“(v) the doing of all lawful acts incidental or conducive to the operations; and
“(c) includes any activities relating to the injection into and extraction of petroleum from an underground gas storage facility”.
- (9) In [section 2\(1\)](#), replace the definition of **Minister** with:
“Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act”.
- (10) In [section 2\(1\)](#), definition of **occupier**, paragraph (b), replace “as defined in section 106 (other than an exploration licence or prospector’s right granted under the Mining Act 1971, or an” with “(other than an”.
- (11) In [section 2\(1\)](#), replace the definition of **permit holder** with:
“permit holder means the person who is the sole permit participant, or all of the permit participants, as the case may be”.
- (12) In [section 2\(1\)](#), definition of **petroleum**, delete “in the same or an adjacent area”.
- (13) In [section 2\(1\)](#), replace the definition of **prospecting** with:
“prospecting—
“(a) means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and
“(b) includes the following activities:
“(i) geological, geochemical, and geophysical surveying;
“(ii) aerial surveying;
“(iii) taking samples by hand or hand held methods;
“(iv) taking small samples offshore by low-impact mechanical methods”.
- (14) In [section 2\(1\)](#), replace the definition of **relevant minerals programme** with:
“relevant minerals programme,—
“(a) in relation to a permit that had effect immediately before the commencement of section 13 (as enacted by section 18 of the Crown Minerals Amendment Act 2013), means the minerals programme that for the time being applies to the permit under clause 3 of Schedule 1:
“(b) in relation to a permit granted on or after the commencement of section 13 (as so enacted), means the minerals programme that for the time being applies to that permit under Part 1A”.
- (15) In [section 2\(1\)](#), repeal the definition of **Secretary**.
- (16) Repeal [section 2\(2\) and \(3\)](#).
- Section 9(1): amended, on 21 May 2013, by [section 7\(1\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).
- Section 9(1): amended, on 21 May 2013, by [section 7\(2\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

10 New sections 2A to 2D inserted

After [section 2](#), insert:

“2A Meaning of appropriate Minister

- “(1) In this Act, **appropriate Minister**, in relation to Crown land or land in the common marine and coastal area, means—
“(a) the Minister charged with the administration of the land; or
“(b)

if the land is part of the common marine and coastal area, the Minister described in paragraph (a) and the Minister of Conservation (if he or she is not the Minister described in that paragraph); or

- “(c) if neither of paragraphs (a) and (b) applies, the Minister of Lands.
- “(2) However, if after subsection (1) is applied there is uncertainty as to who is the appropriate Minister, the appropriate Minister is the Minister designated by the Governor-General by Order in Council.

“2B Meaning of Tier 1 permit and Tier 2 permit

- “(1) In this Act, **Tier 1 permit** means the following permits:
- “(a) a prospecting, exploration, or mining permit that relates to petroleum:
- “(b) a prospecting permit that relates to a mineral listed in the first column of Schedule 5, unless the permit relates to prospecting for alluvial gold:
- “(c) an exploration permit that relates to a mineral listed in the first column of Schedule 5, unless the expected total work programme expenditure in relation to the permit for the final 5 permit years of its life, or for the entire duration of its life if the permit is for less than 5 permit years, is, in the Minister's estimation, less than the amount specified for the mineral in the second column of that schedule:
- “(d) a mining permit that relates to a mineral listed in the first column of Schedule 5, if, in any 1 permit year in the next 5 permit years of its life, the annual royalty or annual production in relation to the permit will be, in the Minister's estimation, equal to or more than the amount specified in the third or fourth column of that schedule:
- “(e) a permit that (irrespective of the type of mineral to which the permit relates, the year of the permit's life, or any threshold amounts specified for the mineral to which the permit relates in Schedule 5)—
- “(i) relates to an underground operation or an operation that is (whether wholly or partially) 50 metres or more beyond the seaward side of the mean high-water mark; and
- “(ii) is not for a special purpose mining activity.
- “(2) In this Act, **Tier 2 permit** means a permit that is not a Tier 1 permit.
- “(3) For the purposes of the Minister making an estimate for the purposes of subsection (1)(c) or (d), the life of a permit includes any extensions of duration to the permit granted under this Act.

“2C Determination of permit tier status

- “(1) This section applies to each exploration permit and mining permit whose Tier 1 (or, by default, Tier 2) status must be determined in accordance with section 2B(1)(c) or (d).
- “(2) The Minister must determine the tier status of a permit—
- “(a) on first granting the permit, and then once in each permit year and at any time that the permit is changed under section 36(1); or
- “(b) if the permit exists on the commencement of this section, as soon as practicable after the commencement of this section, and then once in each permit year and at any time that the permit is changed under section 36(1).
- “(3) The Minister may determine the tier status of a permit at any other time as he or she thinks fit.
- “(4) For the purposes of subsection (2)(a), a determination made because of a change to the permit may, in the Minister's complete discretion, be treated as the required determination for the following permit year.

“2D Consequences of change in status of permit

- “(1) This section applies if, as a result of a determination made by the Minister under section 2C, a Tier 1 permit becomes a Tier 2 permit or a Tier 2 permit becomes a Tier 1 permit.
- “(2) The chief executive must notify the permit holder of the change in tier.
- “(3) The change in tier takes effect for the purposes of this Act on and from the start of the permit year following the date of the notification under subsection (2).”

11 Cross-heading above section 5 amended

In the [cross-heading](#) above section 5, after “*Minister*”, insert “*and chief executive*”.

12 Section 5 replaced (Functions of Minister of Energy)

Replace [section 5](#) with:

“5 Functions of Minister

The Minister has the following functions under this Act:

- “(a) to attract permit applications, including by way of public tender:
- “(b) to grant permits, grant changes to permits, and revoke permits:
- “(c) to prepare minerals programmes:

- “(d) to co-operate with regulatory agencies that perform functions in relation to Crown owned minerals (including under section 90E):
- “(e) to collect and disclose information in connection with mineral resources and mineral production in order to—
 - “(i) promote informed investment decisions about mineral exploration and production; and
 - “(ii) improve the working of related markets:
- “(f) any other functions conferred on him or her by or under this Act.”

Section 12: amended, on 21 May 2013, by [section 8](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

13 Section 6 amended (Delegation of functions by Minister of Energy)

- (1) In the heading to [section 6](#), delete “of Energy”.
- (2) Replace [section 6\(1\)\(a\)](#) with:
 - “(a) the making of decisions on submissions on a draft minerals programme under section 18 and the recommendation of a minerals programme under section 19:”.

14 Section 7 replaced (Appointment of enforcement officers)

Replace [section 7](#) with:

“7 Functions of chief executive

The chief executive has the following functions under this Act:

- “(a) to require, and monitor, compliance with permits, this Act, and the regulations:
- “(b) to investigate conduct that constitutes or may constitute a contravention of a permit, this Act, or the regulations:
- “(c) to keep a register of permits and permit holders:
- “(d) to advise the Minister on any matter relating to this Act:
- “(e) to co-operate with regulatory agencies that perform functions in relation to Crown owned minerals (including under section 90E):
- “(f) any other functions conferred on him or her by or under this Act.”

15 Section 8 amended (Restrictions on prospecting or exploring for, or mining, Crown owned minerals)

- (1) After [section 8\(2\)](#), insert:
 - “(2A) Subsection (1) does not apply to the taking by any person of any Crown owned mineral in a legal road, whether formed, unformed, or stopped, if—
 - “(a) the mineral is—
 - “(i) coal; or
 - “(ii) a mineral (other than coal) for which a Tier 2 permit would, but for this provision, be required; and
 - “(b) the road is within an area of land that otherwise contains privately owned minerals.”
- (2) In [section 8\(3\)](#), after “machinery”, insert “in accordance with section 98 or 98A”.

16 Section 12 and cross-heading repealed

Repeal [section 12](#) and the [cross-heading](#) above section 12.

17 New Part 1A heading inserted

Before [section 13](#), insert:

“Part 1A “Minerals programmes”.

18 Sections 13 to 22 and cross-heading replaced

Replace [sections 13 to 22](#) and the [cross-heading](#) above section 22 with:

“13 Application of minerals programmes

The most recent version of a minerals programme issued or changed by the Governor-General under section 19 applies to all permits for minerals that are subject to the programme.

“14 Contents of minerals programmes

- “(1) A minerals programme—
 - “(a) must specify the mineral or minerals to which it applies; and
 - “(b)

must set out or describe how the Minister and the chief executive will have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (as required by section 4) for the purposes of the minerals programme.

- “(2) A minerals programme—
- “(a) may set out or describe how the Minister or the chief executive will exercise any specified powers or discretions conferred on him or her by or under this Act in relation to the mineral or minerals that are subject to the programme; and
 - “(b) may include any other information that the Minister considers is likely to be of assistance to any person wishing to use or understand the Act and the regulations, including—
 - “(i) general guidance on the scheme of the Act and the regulations; and
 - “(ii) how the Minister or the chief executive will interpret and apply specified provisions of the Act or the regulations (other than those referred to in paragraph (a)) in relation to any Crown owned mineral or minerals subject to the programme; and
 - “(c) on the request of an iwi or hapū, may provide that defined areas of land of particular importance to the iwi's or hapū's mana are excluded from the operation of the minerals programme or are not to be included in any permit.
- “(3) There must not be more than 1 minerals programme for any mineral, but a minerals programme may provide that different practices, procedures, and provisions in the programme apply—
- “(a) to different areas within New Zealand; or
 - “(b) to a mineral that occurs in different states, places, phases, or strata; or
 - “(c) to a mineral that is to be explored for or mined by substantially different methods.
- “(4) A minerals programme must not be inconsistent with this Act or the regulations.
- “(5) However, if there is any inconsistency between a minerals programme (or a relevant minerals programme that has effect during a transitional period) and this Act or any of the regulations, this Act or the regulation prevails.

“15 Minister must prepare draft minerals programmes in certain situations

The Minister must, as soon as practicable, prepare a draft minerals programme for a Crown owned mineral, or group of Crown owned minerals, if—

- “(a) there is no minerals programme for that mineral or group of minerals; and
- “(b) in the opinion of the Minister, that mineral or group of minerals is likely to be the subject of a permit application under this Act.

“16 Changes to minerals programmes

- “(1) The Minister may propose any change to a minerals programme.
- “(2) In sections 17 and 18, a reference to a draft minerals programme includes a reference to a draft change to a minerals programme.
- “(3) Nothing in section 17 or 18 applies to any change to a minerals programme if the purpose of the change is to correct any error and the effect of the change is minor.
- “(4) Subsection (5) applies if the Minister decides not to proceed with a proposed change to a minerals programme and no recommendation is made to the Governor-General under section 19(1).
- “(5) The Minister must—
- “(a) publicly notify his or her decision; and
 - “(b) notify every person who made a submission on the proposed change under section 18.

“17 Public notice

- “(1) The Minister must ensure that—
- “(a) public notice is given of a draft minerals programme; and
 - “(b) notice is given of a draft minerals programme to all iwi; and
 - “(c) the draft minerals programme is available on an Internet site maintained by or on behalf of the chief executive.
- “(2) Every notice under subsection (1)(a) must—
- “(a) give reasonable notice of the contents of the draft minerals programme; and
 - “(b) specify the Internet site referred to in subsection (1)(c) where the draft minerals programme may be inspected; and
 - “(c) indicate that submissions may be made on the draft minerals programme, how submissions may be made, and by what date.

“18 Submissions

- “(1) Any person may make a submission on a draft minerals programme.
- “(2) A submission under subsection (1) must be received by the chief executive not later than 40 working days after the date of public notification under section 17.

- “(3) If any submission is made under this section, the chief executive must, following the expiry of the time for making submissions, arrange for a report and recommendations to be made to the Minister in respect of all submissions.
- “(4) The Minister must consider the report and recommendations made under subsection (3) and may make such changes to the draft minerals programme as the Minister thinks fit.
- “(5) Despite the provisions of the Official Information Act 1982, if a request is made by any person for disclosure of information contained in a submission, the department or Minister to whom the request was made may refuse to make the information available if the department or Minister is satisfied that—
- “(a) such refusal is necessary to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of wāhi tapu; and
- “(b) in the circumstances of the particular case, the importance of avoiding such offence or disclosure outweighs the public interest in making that information available.

“19 Issue of minerals programmes

- “(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, issue a minerals programme or a change to a minerals programme.
- “(2) Before recommending the making of an order, the Minister must satisfy those requirements of sections 15 to 18 relevant to the order.
- “(3) A minerals programme is a regulation for the purposes of the Regulations (Disallowance) Act 1989, but not for the purposes of the Acts and Regulations Publication Act 1989.
- “(4) A minerals programme or a change to a minerals programme takes effect on and from the date specified in the order approving it, which must not be earlier than the date on which the order is made.

“20 Notification of minerals programmes

The Minister must—

- “(a) make each minerals programme issued in accordance with section 19 available on an Internet site maintained by or on behalf of the chief executive; and
- “(b) notify every person who made a submission on the draft programme under section 18 of the issuing of the minerals programme and where it may be inspected; and
- “(c) give public notice, and notice in the *Gazette*, that the programme has been issued and of the places where it is available for inspection; and
- “(d) make the programme available for public inspection at those places.

“21 Minister may defer consideration of application for permit

- “(1) Subsection (2) applies if the Minister has publicly notified a proposed change to a minerals programme and—
- “(a) the chief executive has received an application for a permit for a mineral to which the programme applies after the proposed change has been notified; and
- “(b) if the proposed change were in force, it would be likely that the Minister's decisions in respect of the application would be different than if the decisions were made without the proposed change.
- “(2) The Minister may defer his or her consideration of the application until—
- “(a) the date on which the proposed change takes effect (as specified in the relevant Order in Council made under section 19(1)); or
- “(b) if the Minister decides not to proceed with the change, the date on which the Minister publicly notifies his or her decision under section 16(5).

“22 Minister and chief executive must act in accordance with minerals programmes

- “(1) The Minister and the chief executive must act in accordance with a minerals programme.
- “(2) However, if there is any inconsistency between the actions required of them under a minerals programme (or a relevant minerals programme that has effect during a transitional period) and the actions required of them under this Act or any of the regulations, they must act in accordance with the Act or the regulation.”

19 New Part 1B heading inserted

After [section 22](#), insert:

“Part 1B “Permits, access to land, and other matters”.

20 Section 23 replaced (Application for permits)

Replace section 23 with:

“23 Purpose of permits

- “(1) The purpose of a prospecting permit is to authorise the permit holder to prospect for minerals as specified in the permit.
- “(2) The purpose of an exploration permit is to authorise the permit holder to explore for minerals as specified in the permit.
- “(3) The purpose of a mining permit is to authorise the permit holder to mine for minerals as specified in the permit.

“23A Application for permits

Any person or persons may apply to the chief executive for a permit in respect of a mineral in land, whether or not there is a minerals programme for the mineral.”

20A Section 24 amended (Allocation by public tender)

- (1) After [section 24\(2\)\(c\)](#), insert:
- “(ca) that each tender must include an application that complies with section 29A(1) and be accompanied by sufficient information in relation to the permit offered for the Minister to satisfy himself or herself of the matters set out in section 29A(2) or the matters required under section 29B, as the case may be; and
- “(cb) that, if the tender is to be considered in accordance with section 29B, the tender must include a statement to that effect; and”.
- (2) After [section 24\(4\)](#), insert:
- “(4A) To avoid doubt, tenders must be assessed by the Minister in accordance with this section and the criteria in section 29A or in section 29B, as the case may be.”

Section 20A: inserted, on 21 May 2013, by [section 4](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

21 Section 25 replaced (Grant of permit)

Replace [section 25](#) with:

“25 Grant of permit

- “(1) The Minister may grant a prospecting permit, an exploration permit, or a mining permit under this Act in respect of minerals in land—
- “(a) to any person or persons; and
- “(b) in either of the following ways:
- “(i) as the result of an application initiated by a person under section 23A;
- “(ii) as the result of a public tender process under section 24; and
- “(c) subject to any conditions that the Minister may impose, as the Minister thinks fit, including authorising the prospecting or exploration for, or mining of, a mineral only—
- “(i) in particular circumstances; or
- “(ii) by means of a particular method; or
- “(iii) if the mineral occurs in a particular state, place, phase, or stratum.
- “(2) However, the Minister is not obliged to grant a permit to any person or persons unless expressly required to do so under section 32.
- “(3) Each permit granted by the Minister must specify—
- “(a) the minerals and land to which the permit applies; and
- “(b) the conditions on which the permit is granted; and
- “(c) the names of the permit participants; and
- “(d) the name of the permit operator; and
- “(e) if any of the minerals to which the permit applies are minerals listed in the first column of Schedule 5, whether the permit in respect of those minerals is a Tier 1 or a Tier 2 permit.
- “(4) A permit may also specify the date on which the permit expires if the permit is to expire on a date earlier than the default expiry date set out in section 35.
- “(5) A permit must not be granted under this Part if a monetary deposit or bond that is required by the Minister as security for compliance with the conditions of the permit has not been deposited with the chief executive.
- “(6) The Minister must not grant an exploration permit or a mining permit in respect of privately owned minerals, except as provided for by section 84 of the Marine and Coastal Area (Takutai Moana) Act 2011.
- “(7) If an existing privilege exists, the Minister must not grant a permit in respect of all or part of the land and the mineral to which the privilege relates without the consent of the current holder of the privilege.
- “(8) Subsection (1) is subject to section 5A(3) of the Continental Shelf Act 1964.”

Section 27 replaced (Provisions relating to granting of permit)

Replace [section 27](#) with:

“27 Permit holder must have permit operator

- “(1) A permit holder must have a permit operator.
 “(2) A permit operator must be a permit participant.
 “(3) For the purposes of the permit, this Act, and the regulations, the permit operator is responsible, on behalf of the permit holder, for the day-to-day management of activities under the permit.”

23 New section 28A inserted (Declaration that permits not to be issued or extended for specified land for specified period)

After [section 28](#), insert:

“28A Declaration that permits not to be issued or extended for specified land for specified period

- “(1) The Minister may, by notice in the *Gazette*, declare that specified kinds of permits will not be granted, or extended, in respect of specified land during a specified period if he or she believes the declaration is necessary to better meet the purpose of the Act.
 “(2) A notice under subsection (1)—
 “(a) must specify the kind or kinds of permits to which it applies;
 “(b) must specify the land to which it applies;
 “(c) may apply to different minerals, to minerals that occur in a particular state, place, phase, or stratum, or to minerals that are to be explored for or mined by a particular method;
 “(d) has effect until the close of the earlier of the following periods:
 “(i) the period specified in the notice;
 “(ii) 3 years from the date on which the notice is published in the *Gazette*.
 “(3) The Minister must not accept a permit application that is contrary to a notice under subsection (1) while the notice has effect, unless the application relates to a subsequent permit referred to in subsection (4)(c).
 “(4) A notice under subsection (1) does not affect any—
 “(a) application received by the Minister before the notice is published in the *Gazette*; or
 “(b) permit granted before the notice is published in the *Gazette*; or
 “(c) right under section 32 of the holder of a permit described in paragraph (b) to be granted a subsequent permit.”

24 New sections 29A and 29B and cross-heading inserted

After [section 29](#), insert:

“Process for dealing with applications for permits

“29A Process for considering application

- “(1) An applicant for a permit must provide to the Minister—
 “(a) the name and contact details of the proposed permit participants and the proposed permit operator; and
 “(b) a proposed work programme for the proposed permit, which may comprise committed work, or committed and contingent work; and
 “(c) in the case of an exploration permit for minerals other than petroleum, an estimate of the expected total work programme expenditure in relation to the permit; and
 “(d) any other information prescribed in the regulations.
 “(2) Before granting a permit, the Minister must be satisfied—
 “(a) that the proposed work programme provided by the applicant is consistent with—
 “(i) the purpose of this Act; and
 “(ii) the purpose of the proposed permit; and
 “(iii) good industry practice in respect of the proposed activities; and
 “(b) that the applicant is likely to comply with, and give proper effect to, the proposed work programme, taking into account—
 “(i) the applicant's technical capability; and
 “(ii) the applicant's financial capability; and
 “(iii) any relevant information on the applicant's failure to comply with permits or rights, or conditions in respect of those permits or rights, to prospect, explore, or mine in New Zealand or internationally; and
 “(c) that the applicant is likely to comply with the relevant obligations under the Act or the regulations in respect of reporting and the payment of fees and royalties; and
 “(d)

in the case of a Tier 1 permit for exploration or mining, that the proposed permit operator has, or is likely to have, by the time the relevant work in any granted permit is undertaken, the capability and systems that are likely to be required to meet the health and safety and environmental requirements of all specified Acts for the types of activities proposed under the permit.

- “(3) For the purposes of the Minister satisfying himself or herself of the matter in subsection (2)(d), the Minister—
- “(a) is only required to undertake a high-level preliminary assessment; and
 - “(b) must seek the views of the Health and Safety Regulator and may, but is not required to, obtain the views of any other regulatory agency; and
 - “(c) may, but is not required to, rely on the views of the regulatory agencies; and
 - “(d) is not required to duplicate any assessment process that a regulatory agency may be required to undertake in accordance with a specified Act.
- “(4) To avoid doubt, subsection (2)(d) does not limit, have any effect on, or have any bearing on—
- “(a) whether the permit holder or permit operator is required to obtain any permit, consent, or other permission under any health and safety or environmental legislation:
 - “(b) the granting to the permit holder or permit operator of any permit, consent, or other permission necessary under any health and safety or environmental legislation by any government agency, consent authority, or Minister responsible for the administration of that legislation.
- “(5) This section is subject to section 29B.

“29B Process for considering application under public tender for conditional exploration permit

- “(1) This section applies if—
- “(a) a Tier 1 permit for exploration is offered for allocation by public tender under section 24(1); and
 - “(b) a tender made in response to the offer under section 24(1) states that it is to be considered in accordance with this section; and
 - “(c) the proposed work programme provided with the tender contains an exploration drilling committal date.
- “(2) If this section applies, the Minister must, when considering whether to grant the permit to the tenderer, be satisfied of the matters set out in section 29A(2)(b) and (d) only in relation to work that will be undertaken before the exploration drilling committal date.
- “(3) If a permit is granted in accordance with this section,—
- “(a) work cannot be undertaken after the exploration drilling committal date unless, before that date, —
 - “(i) the Minister has, upon application by the permit holder, satisfied himself or herself of the matters set out in section 29A(2)(b) and (d) in relation to that work; and
 - “(ii) the permit holder has committed, in accordance with the permit, to drilling for exploration purposes; and
 - “(b) the requirements of paragraph (a) are a condition of the permit.
- “(4) For the purposes of subsection (3),—
- “(a) section 29A(3) and (4) apply for the purposes of the Minister satisfying himself or herself; and
 - “(b) section 29A(2) to (4) must be read with all necessary modifications.
- “(5) In this section,—

“**exploration drilling committal date** means the point in a work programme at which a permit holder must commit to drilling for exploration purposes or surrender the permit

“**work** means work to be undertaken under a work programme for a permit.”

Section 24 heading: amended, on 21 May 2013, by [section 5\(1\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Section 24: amended, on 21 May 2013, by [section 5\(2\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Section 24: amended, on 21 May 2013, by [section 5\(3\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

25 Section 32 amended (Right of permit holder to subsequent permits)

- (1) In [section 32\(1\) and \(3\)](#), after “27,” insert “29A,”.
- (2) In [section 32\(1\) and \(3\)](#), replace “23” with “23A”.
- (3) In [section 32\(4\)](#), replace “under” with “in accordance with”.
- (4) Replace [section 32\(5\)](#) with:
- “(5) Subsection (5A) applies if a mining permit is to be granted in accordance with subsection (3) and the initial permit or any subsequent permit specified any condition to be included in the mining permit or in any subsequent privilege, right, or licence conferring a right to mine.

“(5A) The condition must be included in the mining permit, unless the Minister and the holder of the exploration permit otherwise agree, and no other condition which modifies or conflicts with the condition may be included in the mining permit without the consent of the holder of the mining permit.”

(5) After [section 32\(7\)](#), insert:

“(8) A permit that is the subject of an application for a subsequent permit under this section continues in force until the Minister determines the application.”

26 Section 33 replaced (Permit holder to comply with permit and this Act)

Replace [section 33](#) with:

“33 Permit holder responsibilities

“(1) A permit holder must—

“(a) comply with—

“(i) the conditions of the permit; and

“(ii) this Act and the regulations; and

“(iii) the Health and Safety in Employment Act 1992 and regulations made under that Act; and

“(b) perform activities under the permit in accordance with good industry practice; and

“(c) submit royalty returns, and pay royalties; and

“(d) keep records for at least 7 years after the year to which they relate or for at least 2 years after the permit to which they relate ceases to be in force, whichever is the longer; and

“(e) co-operate with the Minister, the chief executive, and enforcement officers for the purpose of complying with the conditions of the permit, this Act, and the regulations.

“(2) Subsection (3) applies if the permit holder is 2 or more persons.

“(3) Each person to whom this subsection applies is jointly and severally liable to comply with and perform the obligations of the permit holder under the permit, this Act, and the regulations.

“33A Exercise of permit conditional on clearance from Health and Safety Regulator

“(1) Subsection (2) applies if the Health and Safety in Employment Act 1992, or regulations made under that Act, expressly provide that the Health and Safety Regulator must give its approval or consent before an activity can be carried out and the activity is an activity of a type authorised under a permit.

“(2) Despite the activity being authorised under a permit, it must not be carried out until—

“(a) the Health and Safety Regulator has given its approval or consent (in respect of the requirements of the Health and Safety in Employment Act 1992 or regulations made under that Act); and

“(b) the Health and Safety Regulator has advised the chief executive that it has given its approval or consent; and

“(c) the chief executive has notified the permit holder of the Health and Safety Regulator's advice.

“33B Health and Safety Regulator to notify chief executive of breaches of legislation

“(1) The Health and Safety Regulator must notify the chief executive if—

“(a) a permit holder is issued with a prohibition notice under the Health and Safety in Employment Act 1992; or

“(b) an enforcement action is taken against the permit holder under that Act.

“(2) Nothing in this Act derogates from the Health and Safety Regulator's responsibility for the administration and enforcement of that Act.

“(3) In this section, **prohibition notice** and **enforcement action** have the meanings given by section 2(1) of the Health and Safety in Employment Act 1992.

“33C Iwi engagement reports

“(1) Every holder of a Tier 1 permit must provide to the Minister an annual report of the holder's engagement with iwi or hapū whose rohe includes some or all of the permit area or who otherwise may be directly affected by the permit.

“(2) Every holder of a Tier 2 permit of any class or kind specified in the regulations must provide to the Minister an annual report of the holder's engagement with iwi or hapū whose rohe includes some or all of the permit area or who otherwise may be directly affected by the permit.

“(3) Regulations may specify—

“(a) an annual period to which annual reports must apply, which may vary for different classes or kinds of Tier 2 permit;

“(b) a time by which annual reports must be provided, which may vary for different classes or kinds of Tier 2 permit.

“(4)

The first report to be provided under subsection (1) must relate to the period of 12 months ending with 31 December 2014.

“33D Annual review meeting for holders of Tier 1 permits

- “(1) The chief executive may require the holder of a Tier 1 permit to attend, once in each permit year, a review meeting for the purposes of—
- “(a) monitoring the permit holder's progress against the work programme for the permit; and
 - “(b) providing an opportunity for discussion between the chief executive, the permit holder, the appropriate Minister (but only if the permit relates to Crown land), and any regulatory agency that the chief executive has invited to attend the meeting.
- “(2) Without limiting subsection (1)(b), the chief executive must invite any regulatory agency that he or she thinks is likely to have regulatory oversight of the activities under the permit to attend a review meeting. However, the chief executive may limit the agency's attendance at the meeting to only those parts of the meeting that are relevant to its oversight.
- “(3) Unless otherwise agreed between the chief executive and a permit holder, a review meeting must be—
- “(a) held on a date and at a place notified to the permit holder by the chief executive (which date must be at least 20 working days after the date of notification); and
 - “(b) attended by at least 1 representative of the permit operator who has sufficient seniority, expertise, and knowledge to enable full discussion of the work programme and conditions of the permit.
- “(4) Any person other than those referred to in subsections (1) and (2) may attend a review meeting only with the consent of the permit holder.”

Section 26: amended, on 21 May 2013, by [section 9](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

27 Section 35 replaced (Duration of permit)

Replace [section 35](#) with:

“35 Duration of permit

- “(1) A prospecting permit expires—
- “(a) 4 years after the commencement date specified in the permit; or
 - “(b) if an earlier expiry date is specified in the permit, on that date.
- “(2) A prospecting permit may not be extended beyond 4 years after the commencement date specified in the permit.
- “(3) An exploration permit for petroleum expires—
- “(a) 15 years after the commencement date specified in the permit; or
 - “(b) if an earlier expiry date is specified in the permit, on that date.
- “(4) An exploration permit for petroleum may be extended only in accordance with section 35A.
- “(5) An exploration permit for minerals other than petroleum expires—
- “(a) 10 years after the commencement date specified in the permit; or
 - “(b) if an earlier expiry date is specified in the permit, on that date.
- “(6) An exploration permit for minerals other than petroleum may not be extended beyond 10 years after the commencement date specified in the permit, unless extended further under section 35A.
- “(7) A mining permit expires—
- “(a) 40 years after the commencement date specified in the permit; or
 - “(b) if an earlier expiry date is specified in the permit, on that date.
- “(8) A mining permit may be extended only in accordance with section 36(1), (2), and (5).
- “(9) The Minister may, on the application of a permit holder, amend the commencement date of a permit, and subsection (1), (3), (5), or (7) applies accordingly, if the Minister is satisfied that—
- “(a) the permit holder has been prevented from commencing activities under the permit by delays in obtaining consents under any Act; and
 - “(b) those delays have not been caused or contributed to by default on the part of the permit holder.
- “(10) If the Minister amends the commencement date of a permit under subsection (9), the new commencement date must be specified in the permit.

“35A Appraisal extension of exploration permits

- “(1) The holder of an exploration permit may apply to the Minister, in accordance with section 36(1) to (4), for an extension to the duration of the permit (an **appraisal extension**) so as to appraise the extent and characteristics of a discovery and the Minister may grant an extension for that purpose for any period the Minister considers necessary, up to a maximum of 4 years.
- “(2) However, the Minister may grant an appraisal extension under subsection (1) only if the Minister is satisfied that—
- “(a) the permit holder has made a discovery that has the potential to lead to the granting of a mining permit; and

- “(b) the current specified duration of the exploration permit does not allow sufficient time to appraise the discovery; and
- “(c) the work programme in relation to the appraisal is adequate.
- “(3) If the Minister grants an appraisal extension, it must be restricted to the land in the permit to which the Minister determines it is likely that the discovery relates.
- “(4) A permit holder granted an appraisal extension under subsection (1) may apply to the Minister once only for a further appraisal extension, and subsection (1) applies as if the reference to an appraisal extension were a reference to a further appraisal extension.

“35B Conditions imposing relinquishment obligation: prospecting permits

- “(1) The Minister may impose a condition of the kind described in subsection (2) on—
 - “(a) the grant of a prospecting permit other than a prospecting permit for petroleum; or
 - “(b) the grant of an application for a change to any prospecting permit other than a prospecting permit for petroleum.
- “(2) The Minister may impose a condition requiring the permit holder to relinquish a specified amount of the permit area at a specified time or on a specified event (a **relinquishment obligation**).
- “(3) The Minister may impose a relinquishment obligation not more than twice in relation to a permit, and the total area to be relinquished must not exceed 50% of the original area of land to which the permit applied.
- “(4) The holder of a permit that is subject to a relinquishment obligation must submit to the Minister for approval, within the time frame specified in the permit condition, a map of the area that the holder proposes to relinquish.
- “(5) The Minister must consider the map and approve the area to be relinquished, with or without amendment, as he or she thinks fit.

“35C Conditions imposing relinquishment obligation: exploration permits

- “(1) The Minister may impose a condition of the kind described in subsection (2) on—
 - “(a) the grant of an exploration permit; or
 - “(b) the grant of an application for a change to an exploration permit.
- “(2) The Minister may impose a condition requiring the permit holder to relinquish a specified amount of the permit area at a specified time or on a specified event (a **relinquishment obligation**).
- “(3) The Minister may impose a relinquishment obligation not more than twice in relation to a permit, and the total area to be relinquished must not exceed,—
 - “(a) in the case of an exploration permit for petroleum, 75% of the original area of land to which the permit applied;
 - “(b) in the case of an exploration permit for minerals other than petroleum, 50% of the original area of land to which the permit applied.
- “(4) The holder of a permit that is subject to a relinquishment obligation must submit to the Minister for approval, within the time frame specified in the permit condition, a map of the area that the holder proposes to relinquish.
- “(5) The Minister must consider the map and approve the area to be relinquished, with or without amendment, as he or she thinks fit.”

28 New cross-heading above section 36 inserted

Above [section 36](#), insert:

“Changes to permits”.

29 Section 36 amended (Change to permit)

- (1) Replace [section 36\(1\) to \(4A\)](#) with:
 - “(1) The Minister may, on any conditions that he or she thinks fit and at any time or times during the currency of a permit, change a permit by granting a certificate of change to the permit—
 - “(a) with the prior written consent of the permit holder; or
 - “(b) on the written application of the permit holder; or
 - “(c) in the manner, if any, provided in the permit.
 - “(2) A change to a permit may do 1 or more of the following:
 - “(a) amend the conditions of the permit;
 - “(b) extend the land to which the permit relates;
 - “(c) change the minerals to which the permit relates;
 - “(d) extend the duration of the permit.
 - “(3) An application under subsection (1)(b) to extend the duration of an exploration permit for petroleum may only be made as provided by section 35A.
 - “(4)

An application under subsection (1)(b) to extend the duration of a mining permit in accordance with this section, or to extend the duration of an exploration permit under section 35A, must be received by the Minister not later than 6 months before the expiry of the permit.

- “(4A) However, if the Minister is satisfied that there are compelling reasons why a permit holder could not comply with subsection (4), the Minister may receive an application by a later date agreed by the Minister.
- “(4B) All other applications under subsection (1)(b) must be received by the Minister not later than 90 days before—
- “(a) the expiry date of the permit; or
 - “(b) in the case of an application to change the specified date by which specified work must be carried out, the specified date; or
 - “(c) in the case of an application to change the specified work that must be carried out by a specified date, the specified date.
- “(4C) However, if the Minister is satisfied that there are compelling reasons why a permit holder could not comply with subsection (4B), the Minister may receive an application by a later date agreed by the Minister (which date must not be later than the date of expiry of the permit or the specified date by which the specified work must be done).
- “(4D) If a permit holder makes an application to which subsection (4B)(b) or (c) applies, the permit holder does not contravene the condition that the permit holder has applied to change if the condition—
- “(a) must be complied with or fulfilled while the application is being considered by the Minister; and
 - “(b) is not complied with or fulfilled while the application is being considered by the Minister.
- “(4E) However, if the application is declined, the permit holder contravenes the condition from the date on which the condition should have been complied with or fulfilled.”
- (2) In [section 36\(5\)\(a\)](#), replace “date of expiration” with “expiry date”.
- (3) In [section 36\(5A\)](#), replace “section 37” with “section 35A”.

30 Sections 37 and 38 replaced

Replace [sections 37](#) and [38](#) with:

“37 Process for Minister's proposal to change work programme for petroleum mining permit

- “(1) The work programme for a petroleum mining permit granted on or after the commencement of this section may be changed in accordance with this section if the change is necessary to maximise the economic recovery of the petroleum in accordance with good industry practice.
- “(2) If the Minister considers, on the basis of information on the characteristics and extent of the petroleum field received by the Minister at any time during the currency of the permit, that a change to the work programme is necessary, the Minister must notify the permit holder of the proposed change and set out the reasons why it is being proposed.
- “(3) If the permit holder and the Minister cannot agree on the proposed changes, the permit holder may notify the Minister within 30 days after the date of the notification under subsection (2) (or within any further time that the Minister may allow) that the permit holder requires a determination by an independent expert on—
- “(a) whether the work programme should be changed to maximise the economic recovery of the petroleum in accordance with good industry practice; and
 - “(b) what any change should be.
- “(4) If the permit holder does not exercise the right under subsection (3) within the time specified by or allowed under that subsection, the conditions of the permit are deemed to be changed as proposed by the Minister.
- “(5) If the permit holder exercises the right under subsection (3) within the time specified by or allowed under that subsection, an independent expert must be appointed by agreement between the Minister and the permit holder, or, failing agreement, by the President of the New Zealand Law Society (or his or her delegate) on the application of either party.

“38 Determination by independent expert

- “(1) In making a determination for the purposes of section 37(3), an independent expert must have regard to the submissions from the Minister and the permit holder respectively, but is not required to conduct a hearing.
- “(2) Each party must provide a single set of written submissions, and any written evidence and any relevant documents or technical reports may be provided with the submissions.
- “(3) In accordance with a timetable set by the independent expert,—
- “(a) the permit holder must provide its submissions to the independent expert and provide a copy to the Minister at the same time; and

- “(b) the Minister must subsequently provide his or her submissions to the independent expert and provide a copy to the permit holder at the same time.
- “(4) The Minister and the permit holder must provide the independent expert with any assistance the independent expert may reasonably request.
- “(5) After due consideration, the independent expert must provide a written determination to the Minister and the permit holder.
- “(6) Any change to a work programme determined by the independent expert—
- “(a) must be limited to what is reasonably required to ensure that the economic recovery of the resource is maximised in accordance with good industry practice; and
- “(b) takes effect on the date of the determination.
- “(7) The conditions of the permit holder's permit are deemed to be changed—
- “(a) in accordance with any change to a work programme determined by the independent expert; and
- “(b) with effect on the date of the determination.
- “(8) The independent expert must not act as a mediator or an arbitrator and the Arbitration Act 1996 does not apply.
- “(9) The independent expert's fees must be borne equally by the Minister and the permit holder unless the independent expert determines one party should bear a greater proportion or all of the fees on the ground that the party's position has not been reasonable.
- “(10) The independent expert's determination is final and binding on the parties and there is no right of appeal against the determination. However, if the Minister and the permit holder agree a different allocation of costs to that determined by the independent expert, the determination must be treated as varied to the extent agreed.
- “(11) The permit holder must continue to comply with its existing work programme pending the independent expert's consideration and determination of the matter.”

31 Section 39 amended (Revocation of permit)

- (1) Replace the heading to [section 39](#) with “**Revocation or transfer of permit**”.
- (2) Replace [section 39\(1\) to \(6\)](#) with:
- “(1) The Minister may revoke a permit or transfer a permit to the Minister (in replacement for the permit holder)—
- “(a) if the Minister is satisfied that a permit holder has contravened—
- “(i) a condition of the permit; or
- “(ii) this Act or the regulations; or
- “(b) in any case where a condition relates to payment of money to the Crown under the permit, this Act, or the regulations, payment has not been made within 90 days after the due date for the payment.
- “(2) Before deciding whether to revoke or transfer a permit, the Minister must serve on the permit holder written notice of his or her intention to revoke or transfer the permit that—
- “(a) sets out the grounds on which the Minister intends to revoke or transfer the permit; and
- “(b) gives the holder 40 working days after the date on which the notice is served to—
- “(i) remove the grounds for the revocation or transfer; or
- “(ii) provide reasons why the permit should not be revoked or transferred.
- “(3) The Minister may, by serving written notice on the permit holder, revoke or transfer the permit with effect on the date that is 41 working days after the date on which the notice under subsection (2) is served if—
- “(a) the grounds for revocation or transfer have not been removed; or
- “(b) after having considered reasons provided in accordance with subsection (2)(b)(ii), the Minister still considers there are grounds for revoking or transferring the permit.
- “(4) If the Minister transfers a permit in accordance with subsection (3),—
- “(a) the permit is automatically transferred into the name of the Minister; and
- “(b) the consent of the Minister under section 41 is not required to transfer the permit to, or from, the Minister; and
- “(c) the Minister may exercise the rights granted by the permit, or offer it or any share in it for sale by public tender or otherwise.
- “(5) A permit holder who is served with written notice under subsection (3) may, not later than 20 working days after the date on which the notice is served, appeal against the Minister's decision to the High Court, but only on the ground that the decision is erroneous in point of law.
- “(6) Pending the determination of an appeal under subsection (5), the permit in respect of which the appeal is made continues in force for all purposes unless it sooner expires.
- “(6A) The Minister must record any revocation or transfer of a permit on the register of permits, but need not record the reasons for the revocation or transfer.”

32 Section 40 amended (Surrender of permit)

(1) Replace [section 40\(1\)](#) with:

“(1) A permit holder may apply to the chief executive to surrender a permit or any part of it by—

“(a) lodging an application; and

“(b) paying any money the permit holder owes to the Crown under this Act; and

“(c) providing information and records as required by the permit, this Act, or the regulations.”

(2) Replace [section 40\(2\)](#) with:

“(2) Unless the Minister considers it is in the interests of the Crown to acquire the permit for the purposes of reallocation or otherwise (in which case the permit vests in the Crown as if it were personal property), the surrender—

“(a) must be accepted by the chief executive if everything is in order and, in the case of a partial surrender, the Minister has approved the area to be surrendered under subsection (7A); and

“(b) takes effect when the chief executive accepts it.”

(3) After [section 40\(2\)](#), insert:

“(2A) Despite subsection (1)(b) and (c), the chief executive may accept a surrender application even though the permit holder has not paid to the Crown all the money owing to the Crown or has not provided to the chief executive all the information and records required to be provided.”

(4) Replace [section 40\(3\)](#) with:

“(3) For the purposes of subsections (5) and (6), if a permit vests in the Crown under this section,—

“(a) the permit is deemed to have been surrendered under this section; and

“(b) the date on which the permit is deemed to have been surrendered,—

“(i) for the purposes of subsection (5), is the date that the surrender application was lodged; and

“(ii) for the purposes of subsection (6), is the date of the Minister's decision under subsection (2).”

(5) After [section 40\(7\)](#), insert:

“(7A) The Minister may approve the area to be surrendered, with or without amendment, as he or she thinks fit.”

Section 32(2): replaced, on 21 May 2013, by [section 10\(1\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Section 32(4): amended, on 21 May 2013, by [section 10\(2\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

33 Section 41 replaced (Transfers and other dealings with permits)

Replace [section 41](#) with:

“41 Transfer of interest in permit

“(1) The transfer of all or part of a participating interest in a permit requires the consent of the Minister under this section.

“(2) An application for consent to a transfer must—

“(a) be made jointly by the relevant permit participant and the transferee; and

“(b) be made within 3 months after the date of the agreement that contains the transfer; and

“(c) be accompanied by a copy of the agreement that contains the transfer; and

“(d) be accompanied by evidence of the notification required under subsection (3).

“(3) Before or at the same time as the application is made, the permit participant must notify any other permit participants that it has applied for consent to the transfer.

“(4) If so required by the Minister, the transferee must provide to the Minister—

“(a) a statement, signed by or on behalf of the transferee, in which the person signing the statement must confirm that the transferee has the financial capability to meet its obligations under the permit (a **statement of financial capability**); and

“(b) any specified supporting information.

“(5) If the transferee is a company, a statement of financial capability must be signed on behalf of all the directors by at least 2 directors of the company or, if the company has only 1 director, by that director.

“(6) Before granting consent, the Minister must be satisfied that the transferee is likely to be able to comply with the conditions of, and give proper effect to, the permit.

“(7) The chief executive must record the transfer of any participating interest consented to by the Minister under this section on the permit concerned and the transfer is effective, for the purposes of the permit, this Act, and the regulations from the date of the Minister's consent.

“41A Change of control of permit participants

“(1) For the purposes of this section, a corporate body undergoes a **change of control** if—

“(a) a person (**person A**) obtains the power (whether directly or indirectly) to exercise, or control the exercise of, 50% or more of the voting rights in the corporate body; or

“(b)

a person (**person A**) obtains, together with 1 or more specified persons, the power (whether directly or indirectly) to exercise, or control the exercise of, 50% or more of the voting rights in the corporate body.

- “(2) A permit participant must notify the Minister in accordance with subsection (3) if—
- “(a) the permit participant is a corporate body and undergoes a change of control; or
 - “(b) a corporate body that has provided a guarantee for the permit participant's obligations under the permit (**guarantor**) undergoes a change of control.
- “(3) The notification must be given within 3 months of the change of control and be accompanied by—
- “(a) a copy of any agreement or document that specifies the change of control; and
 - “(b) a statement from the permit participant that it has the financial capability to meet its obligations under the permit; and
 - “(c) in the case of a change of control of a guarantor, a statement from the guarantor that it has the financial capability to meet its obligations under the guarantee.
- “(4) A statement for the purposes of subsection (3)(b) or (c) must be signed,—
- “(a) if the permit participant or guarantor is a company, on behalf of all the directors by at least 2 directors of the company or, if the company has only 1 director, by that director; or
 - “(b) if the permit participant or guarantor is not a company, by a person responsible for the management of the permit participant or guarantor.
- “(5) If required to do so, a permit participant must provide to the Minister information or documents relevant to the financial capability of the person A concerned, which may be—
- “(a) general information about that person's financial capability; or
 - “(b) information specific to the matters referred to in subsection (3)(b) and (c).
- “(6) However, the permit participant must do so only if the Minister requests the information or documents no later than 3 months from the date on which the permit participant notifies the Minister of the change of control in accordance with this section.
- “(7) The Minister may revoke the permit in accordance with the procedure set out in section 39 if the Minister—
- “(a) is not satisfied that, following the change of control, the permit holder has the financial capability to meet its obligations under the permit; and
 - “(b) revokes the permit no later than 3 months from the date on which the permit participant notifies the change of control in accordance with this section.
- “(8) In subsection (1)(b), a **specified person**, in relation to person A, means—
- “(a) a person who is acting or will act jointly or in concert with person A in respect of exercising, or controlling the exercise of, the voting rights of the permit participant; or
 - “(b) a person who acts, or is accustomed to acting, in accordance with the wishes of person A.

“41B Dealings

- “(1) A permit participant may enter into a dealing.
- “(2) However, the dealing has no legal effect if the dealing relates to a Tier 1 permit and the Minister does not consent to the dealing.
- “(3) An application for consent to a dealing must—
- “(a) be made to the Minister; and
 - “(b) be made within 3 months after the date of the agreement that contains the dealing; and
 - “(c) be accompanied by a copy of the agreement that contains the dealing.
- “(4) In this section, **dealing** means any agreement (other than a transfer of a participating interest, or a mortgage or other charge) that imposes on any permit participant any obligation that relates to the sale or the proceeds of production, if—
- “(a) a reasonable person would consider that the agreement—
 - “(i) has not been entered into on an arm's-length basis; or
 - “(ii) is not on arm's-length terms; or
 - “(iii) is otherwise not on a fair market basis; or
 - “(b) the term of the agreement is for 12 months or longer.

“41C Change of permit operator

- “(1) A permit operator may be changed only with the prior consent of the Minister and no change of permit operator has any effect without that consent.
- “(2) An application for consent must—
- “(a) be made by the permit holder; and
 - “(b) be made jointly with the proposed new operator if that operator is not an existing permit participant.
- “(3) The Minister may give consent to the change only—
- “(a) if the Minister is satisfied that the permit holder, given the change in permit operator, is likely to—

- “(i) comply with, and give proper effect to, the work programme for the permit; and
- “(ii) comply with the relevant obligations under this Act or the regulations in respect of reporting and the payment of fees and royalties; and
- “(b) if the change of operator relates to a Tier 1 permit for exploration or mining, if the Health and Safety Regulator—
 - “(i) is satisfied that any requirements of the Health and Safety in Employment Act 1992, or regulations made under that Act, that the proposed operator must meet before carrying out day-to-day management of activities under the permit have been, or are likely to be, met; and
 - “(ii) has advised the chief executive that it is so satisfied.

“41D General provisions relating to transfers, dealings, and changes of permit operator

- “(1) The Minister may grant consent under section 41, 41B, or 41C, subject to any conditions that the Minister thinks fit.
- “(2) All conditions of the Minister’s consent are, for the purposes of this Act, deemed to be conditions of the permit concerned.
- “(3) If, as a result of the transfer of a participating interest in a permit, a person ceases to have an interest in the permit, that person ceases to have any rights or obligations under the permit except in respect of any contravention of the conditions of the permit that occurred before the date of transfer of the participating interest.
- “(4) Subsection (3) is subject to—
 - “(a) the conditions of the permit; and
 - “(b) the conditions of the Minister’s consent on the transfer of the participating interest.”

Section 33: amended, on 21 May 2013, by [section 11](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

34 Section 42A amended (Authorisation of geophysical surveys on adjacent land)

In [section 42A\(2\)](#), after “were a”, insert “prospecting”.

35 Section 43 amended (Work programmes to be approved by Minister)

- (1) Replace [section 43\(1\)](#) with:
 - “(1) Where an application is made for a permit and the applicant has a right to receive the permit under section 32, the Minister must not grant the permit unless he or she has approved the work programme for the permit.”
- (2) In [section 43\(2\)\(b\)\(i\) and \(3\)\(b\)\(i\)](#), replace “recognised good exploration or mining” with “good industry”.

36 Section 44 amended (Duty of Minister withholding approval of work programme)

In [section 44\(3\) and \(4\)](#), replace “recognised good exploration or mining” with “good industry”.

37 Section 46 amended (Unit development)

- (1) In [section 46\(1\)\(b\)](#), delete “prevent waste, avoid unnecessary competitive extraction, and”.
- (2) After [section 46\(4\)](#), insert:
 - “(5) The Minister may recover from permit or existing privilege holders any costs incurred by him or her in approving or preparing a development scheme under this section, including the costs of any advice received from an independent expert, and may apportion those costs between the holders as he or she thinks fit.
- “(6) Subsection (7) applies if a development scheme is required under subsection (1) for a petroleum mineral deposit.
- “(7) The Minister may, by notice in writing, require 1 or more permit holders or existing privilege holders to suspend or reduce production from any well specified in the notice during the preparation of the development scheme if—
 - “(a) the Minister is satisfied that the suspension or reduction is necessary to secure the maximum ultimate recovery of the petroleum mineral deposit; and
 - “(b) before issuing the notice, he or she has consulted all relevant permit or existing privilege holders.
- “(8) In subsection (7), **permit holder or existing privilege holder** means a permit holder or existing privilege holder whose permit or existing privilege comprises any part of the land to which the petroleum mineral deposit relates.”

38 Section 53 amended (Access to land for petroleum)

Replace [section 53\(3\)](#) with:

- “(3) Subsection (2) does not apply if the permit relates to—
- “(a) land in the continental shelf; or
 - “(b) land in the common marine and coastal area, but if the permit relates to land described in Schedule 4, the permit holder may exercise the permit only—
 - “(i) in respect of land that is not subject to a customary marine title order or agreement; and
 - “(ii) in accordance with an access arrangement agreed in writing between the permit holder, the Minister, and the appropriate Minister in relation to an activity set out in section 61(1A)(a) to (e).”

39 Section 54 amended (Access to land for minerals other than petroleum)

Replace [section 54\(3\)](#) with:

- “(3) Subsection (2) does not apply if the permit relates to—
- “(a) land in the continental shelf; or
 - “(b) land in the common marine and coastal area, but if the permit relates to land described in Schedule 4, the permit holder may exercise the permit only—
 - “(i) in respect of land that is not subject to a customary marine title order or agreement; and
 - “(ii) in accordance with an access arrangement agreed in writing between the permit holder and the appropriate Minister in relation to an activity set out in section 61(1A)(a) to (e).”

40 Section 59 amended (Notice of request for grant of right of access)

- (1) In [section 59\(2\)\(e\)](#), after “notice”, insert “; and”.
- (2) After [section 59\(2\)\(e\)](#), insert:
 - “(f) if the notice relates to access to Crown land or land in the common marine and coastal area, the direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought.”

41 Section 61 amended (Access arrangements in respect of Crown land and land in common marine and coastal area)

- (1) Replace [section 61\(1\)](#) with:
 - “(1) The appropriate Minister may, by agreement with the permit holder concerned, enter into the following arrangements in respect of Crown land or, subject to sections 53(3) and 54(3), the common marine and coastal area:
 - “(a) an initial access arrangement in relation to a Tier 2 permit:
 - “(b) a variation to an existing access arrangement in relation to a Tier 2 permit:
 - “(c) a variation to an existing access arrangement in relation to a Tier 1 permit, except if the variation is to allow access for the purpose of significant exploration or mining activities.
 - “(1AA) The Minister and the appropriate Minister may, by agreement with the permit holder concerned, enter into the following arrangements in respect of Crown land or, subject to sections 53(3) and 54(3), the common marine and coastal area:
 - “(a) an initial access arrangement in relation to a Tier 1 permit:
 - “(b) a variation to an existing access arrangement in relation to a Tier 1 permit if the variation is to allow access for the purpose of significant exploration or mining activities.
 - “(1AAB) The appropriate Minister must determine whether or not activities are significant exploration or mining activities for the purposes of this section and, in doing so, must have regard to—
 - “(a) the effects the activities are likely to have on conservation values for the land concerned; and
 - “(b) the effects the activities are likely to have on other activities on the land; and
 - “(c) the activities' net impact on the land, either while the activities are taking place or after their completion; and
 - “(d) any other matters that the appropriate Minister considers relevant to achieving the purpose of this Act.”
- (2) In [section 61\(1A\)](#), after “Conservation”, insert “, or the Minister and the Minister of Conservation, as the case may be,”.
- (3) In [section 61\(1A\)](#), replace “or enter into any access arrangement” with “, or variation to an access arrangement, or enter into any access arrangement, or variation to an access arrangement,”.
- (4) In [section 61\(1A\)](#), delete “(as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977)”.
- (5) In [section 61\(1A\)\(d\)](#), replace “of the Crown Minerals Act 1991” with “or 98A”.
- (6) Replace [section 61\(1A\)\(e\)](#) with:
 - “(e) any special purpose mining activity carried out in accordance with a mining permit.”
- (7) In [section 61\(2\)](#), after “access arrangement”, insert “, or variation to an access arrangement,”.
- (8)

- In [section 61\(2\)](#), after “appropriate Minister”, insert “, or the Minister and the appropriate Minister, as the case may be,”.
- (9) After [section 61\(2\)\(d\)](#), insert:
- “(da) the direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought; and
- “(db) if section 61C(3) applies, the recommendation of the Director-General of Conservation and summary referred to in that subsection; and”.
- (10) In [section 61\(2\)\(e\)](#), after “considers”, insert “, or the Minister and the appropriate Minister, as the case may be, consider”.
- (11) In [section 61\(4\)](#), replace “subsections (6) and (7)” with “subsections (6) to (9)”.
- (12) In [section 61\(6\)\(b\)](#), after “Crown”, insert “owned”.
- (13) After [section 61\(8\)](#), insert:
- “(9) No Order in Council may be made under subsection (4) that results in land within a category of land described in clauses 1 to 8 of Schedule 4 of this Act being excluded from that schedule.
- “(10) To avoid doubt, subsection (9) does not limit or affect—
- “(a) any provision of any other enactment that has the effect of excluding land from clauses 1 to 8 of Schedule 4; or
- “(b) any action taken under a provision of any other enactment that has the effect of excluding land from clauses 1 to 8 of Schedule 4.”

42 New section 61C inserted (Public notification of certain access arrangements)

After [section 61B](#), insert:

“61C Public notification of certain access arrangements

- “(1) This section applies if an application under section 61 is made for an access arrangement in respect of Crown land for which the Minister of Conservation is the appropriate Minister and the purpose of access is to allow mining activities.
- “(2) The Minister of Conservation must determine whether or not the proposed activities are significant mining activities and, in doing so, must have regard to—
- “(a) the effects the activities are likely to have on conservation values for the land concerned; and
- “(b) the effects the activities are likely to have on other activities on the land; and
- “(c) the activities' net impact on the land, either while the activities are taking place or after their completion; and
- “(d) any other matters that the Minister considers relevant to achieving the purpose of this Act.
- “(3) If the Minister of Conservation determines the proposed mining activities to be significant mining activities,—
- “(a) he or she must ensure that the application is publicly notified in accordance with section 49 of the Conservation Act 1987 as if the application were required to be publicly notified under that Act; and
- “(b) section 49 of that Act applies with the necessary modifications; and
- “(c) the Director-General of Conservation must perform the duties required by that section as if the application were a proposal, including sending a recommendation and summary of objections and comments received to the Minister of Conservation and, if the application relates to a matter to which section 61(1AA) applies, to the Minister.
- “(4) The public notification of an application in accordance with subsection (3) may (without limitation) be conducted in conjunction with the public notification of any related concession application under the Conservation Act 1987.”

43 Sections 90 and 90A and cross-heading above section 90 replaced

Replace [sections 90](#) and [90A](#) and cross-heading above section 90 with:

“Registers, records, and use of information

“90 Permit holder records and reports

- “(1) Each permit holder must keep detailed records and reports in respect of all prospecting, exploration, and mining activities conducted by or on behalf of the permit holder—
- “(a) in accordance with the conditions of the permit and the regulations; and
- “(b) in a form that is readily accessible at all reasonable times by the chief executive or any person authorised in writing by the chief executive.
- “(2) Each permit holder must provide to the chief executive, in accordance with the conditions of the permit and the regulations, a copy of the records and reports required to be kept under subsection (1) and, on the expiry of whichever of the periods referred to in subsection (6) first occurs, the chief executive must send a copy of those records and reports to the person designated by the Minister for the purposes of this subsection.

- “(3) If requested by the chief executive to do so, a permit holder must provide to the chief executive—
- “(a) a copy of any report made by or for the permit holder in respect of any activities under the permit;
- “(b) a report on any specified aspect of the permit holder's activities under the permit.
- “(4) When part of a permit is relinquished under section 35B or 35C or surrendered under section 40, the permit holder must provide to the chief executive separate copies of all geological, geophysical, and other reports previously provided to, or requested by, the chief executive under subsections (1) to (3), showing, separately, details in respect of the area of land in respect of which the relinquishment or surrender occurred.
- “(5) If a permit is revoked or transferred to the Minister under section 39, the person who (immediately before the permit was revoked or transferred) was the permit holder must provide to the chief executive any report, document, or other information as required by the regulations.
- “(6) The information supplied by a permit holder under subsections (1) to (3), other than information in relation to permits specified in subsection (7), must be made available by the chief executive to any person who requests it, on the payment of a reasonable charge for the costs incurred in making the information available, on and from the earliest of the following events:
- “(a) the expiry of 5 years from the date on which the information was obtained by the permit holder;
- “(b) the expiry of the permit and every subsequent permit in respect of that permit (in so far as the information relates to land covered by both the initial and any subsequent permit);
- “(c) if the permit holder surrenders the permit and is concurrently granted (under section 36(2)(b)) an extension of land for an equivalent permit and the extension includes land to which the surrendered permit applied, the expiry of the extended permit and every subsequent permit in respect of the extended permit (in so far as the information relates to land covered by the surrendered permit, the extended permit, and any subsequent permit in respect of the extended permit).
- “(7) The information supplied by a permit holder under subsections (1) to (3) in respect of a prospecting permit for petroleum, or a non-exclusive prospecting permit for a mineral other than petroleum, must be made available by the chief executive to any person who requests it, on the payment of a reasonable charge for the costs incurred in making the information available, on and from the earlier of the following events:
- “(a) the expiry of 15 years from the date on which the information was obtained by the permit holder;
- “(b) the conclusion of a public tender process for exploration permits to the extent that the information relates to land to which the public tender relates, except if the public tender process concludes earlier than 5 years from the date on which the information was obtained by the permit holder, in which case, the expiry of the 5 years.
- “(8) Despite subsection (7), all information provided under subsections (1) to (3) to the chief executive by a non-exclusive petroleum prospecting permit holder who is determined to be a speculative prospector under section 90C must be made available by the chief executive to any person who requests it on or after the expiry of 15 years after the date on which the information was obtained by the permit holder.
- “(9) The Minister, the chief executive, or an enforcement officer may use information supplied under this section at any time before or after the information is required to be made available under any of subsections (6) to (8) for the purpose of exercising any power or performing any function conferred on the person by or under this Act.
- “(10) Section 90A applies to any information that, because of its use in accordance with subsection (9), is disclosed.
- “(11) Nothing in this section requires the chief executive to send or make available any records, reports, information, or returns relating to the calculation and payment of royalties by permit holders.

“90A Disclosure of information

- “(1) The Minister, an appropriate Minister, the chief executive, or any enforcement officer must not disclose any information provided under or for the purposes of any of sections 23A, 24, 32, 33A to 33D, 35, 35A, 36 to 38, 41 to 41C, 42, 42A, 46, 61, 61B, 61C, 90, 99E, and 99F unless—
- “(a) the disclosure is for the purposes of, or in connection with, the performance or exercise of any function, duty, or power conferred or imposed by or under this Act on the Minister, the chief executive, or any enforcement officer; or
- “(b) the information is publicly available; or
- “(c) the disclosure is with the consent of the person to whom the information relates, or to whom the information is confidential; or
- “(d) the disclosure is in connection with proceedings, or any investigation or inquiry for proceedings, for an offence against this Act or any other enactment; or
- “(e) disclosure is required by another enactment; or
- “(f) disclosure is required by a court of competent jurisdiction; or

- “(g) the information is disclosed to a regulatory agency under section 90E.
- “(2) Any information that is disclosed under subsection (1)(a) for the purposes of, or in connection with, the Minister's function of attracting permit applications under section 5(a) must be disclosed only to external advisers to the Minister.
- “(3) All disclosures that are made under subsection (1)(a) to an external adviser to the Minister must be made on a confidential basis.

“90B Disclosure and publication of mineral resources and mineral production information

- “(1) Every holder of a permit must provide to the chief executive all information in connection with mineral resources and mineral production that is prescribed as information that must be provided under this section.
- “(2) The information must be provided in accordance with the regulations.
- “(3) The chief executive may, in accordance with the regulations, publish all, or any part, of the information provided under this section.
- “(4) For the purposes of this section, **holder of a permit** includes every person who is the holder of an existing privilege.

“90C Provisions relating to speculative prospectors

- “(1) A non-exclusive petroleum prospecting permit holder may apply to the Minister for a determination that the holder is a speculative prospector and, if the Minister is satisfied that the holder is a speculative prospector, the Minister must confer that status on the permit holder effective from the date of conferral.
- “(2) An applicant for a non-exclusive petroleum prospecting permit may, at the same time as applying for the permit, apply to the Minister for a determination that, if granted a permit, the applicant will be a speculative prospector and, if the Minister is satisfied that the applicant will be a speculative prospector, the Minister must confer that status on the applicant, effective from the date the permit is granted, if the Minister grants the permit application.
- “(3) If a permit holder with speculative prospector status subsequently becomes aware that the holder no longer falls within the definition of a speculative prospector, the holder must notify the Minister as soon as practicable and in any case not later than 10 working days after the date on which the holder becomes aware of that fact.
- “(4) If the Minister, having previously determined that a permit holder is a speculative prospector, subsequently considers that the permit holder's business activities are not consistent with those of a speculative prospector (for example, because the holder is providing or selling data on an exclusive basis to 1 petroleum explorer), the Minister may, by notice in writing to the permit holder, remove the permit holder's status as a speculative prospector.
- “(5) Before removing a permit holder's status under subsection (4), the Minister must—
- “(a) inform the permit holder of his or her intention and provide an opportunity for the permit holder to comment; and
- “(b) consider any representations made by the permit holder.
- “(6) If a permit holder notifies the Minister under subsection (3) or the Minister removes a permit holder's status as a speculative prospector under subsection (4), section 90(7) applies in relation to all records and reports provided by the permit holder to the chief executive, irrespective of whether the records and reports were obtained before or after the loss or removal of status.
- “(7) In this Act, **speculative prospector** means a non-exclusive petroleum prospecting permit holder who carries out activities under the permit for the sole purpose of on-selling the information obtained on a non-exclusive basis to petroleum explorers and producers.

“90D Treatment of speculative prospecting information purchased or licensed by permit holder

- “(1) If a permit holder purchases or licenses information that relates to the permit from a speculative prospector, for the purposes of section 90, the information must be treated as records or reports in respect of activities conducted by or on behalf of the permit holder.
- “(2) However, when providing the information to the chief executive under section 90(2), the permit holder must clearly identify that the information was obtained by a speculative prospector.
- “(3) Despite section 90(6) and (7), information to which this section applies must be made available by the chief executive to any person who requests it on or after the expiry of 15 years after the date on which the information was obtained by the speculative prospector.
- “(4) A permit holder must, if requested to do so, provide evidence to satisfy the chief executive that any information supplied to him or her by the permit holder under section 90 was purchased or licensed information from a speculative prospector.

“90E Providing information to regulatory agencies

- “(1) The Minister, an appropriate Minister, or the chief executive may provide to the Health and Safety Regulator any information, or a copy of any document, that he or she—
- “(a) holds in relation to the performance or exercise of his or her functions, duties, or powers under this Act that relate to a permit or an application for a permit; and
 - “(b) considers may assist the Health and Safety Regulator's chief executive in the performance or exercise of his or her functions, duties, or powers under the Health and Safety in Employment Act 1992.
- “(2) The Minister, an appropriate Minister, or the chief executive may provide to Maritime New Zealand any information, or a copy of any document, that he or she—
- “(a) holds in relation to the performance or exercise of his or her functions, duties, or powers under this Act that relate to a permit or an application for a permit; and
 - “(b) considers may assist the Director of Maritime New Zealand in the performance or exercise of his or her or Maritime New Zealand's functions, duties, or powers under the Maritime Transport Act 1994.
- “(3) The Minister may provide to the Environmental Protection Authority (established by section 7 of the Environmental Protection Authority Act 2011) and to any consent authority any information, or a copy of any document, that the Minister—
- “(a) holds in relation to the matters referred to in section 29A(2)(d) (whether obtained under section 24, 29A, or 29B); and
 - “(b) considers may assist—
 - “(i) the Environmental Protection Authority in the performance or exercise of its functions, duties, or powers under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or the Resource Management Act 1991; or
 - “(ii) a consent authority in the performance or exercise of its functions, duties, or powers under the Resource Management Act 1991.
- “(4) However, subsections (1) to (3) do not apply to any information obtained under section 90 relating to the calculation and payment of royalties by permit holders.
- “(5) A regulatory agency must not disclose any information provided to it under this section to any other person or organisation unless—
- “(a) the disclosure is for the purposes of, or in connection with, the performance or exercise of any function, power, or duty conferred or imposed by a specified Act on the regulatory agency; or
 - “(b) the information is publicly available; or
 - “(c) the disclosure is with the consent of the person to whom the information relates, or to whom the information is confidential; or
 - “(d) the disclosure is in connection with proceedings, or any investigation or inquiry for proceedings, for an offence against this Act or any other enactment; or
 - “(e) disclosure is required by another enactment; or
 - “(f) disclosure is required by a court of competent jurisdiction.

“90F Conditions that may be imposed on providing information or documents under section 90E

- “(1) A person providing information or documents under section 90E(1), (2), or (3) may impose any conditions in relation to the provision of the information or documents, whether in compliance with a request or otherwise.
- “(2) The conditions imposed under this section may include (without limitation) conditions relating to—
- “(a) the storing of, use of, or access to anything provided:
 - “(b) the copying, returning, or disposing of copies of documents provided.

“90G Regulatory agency may provide information for purposes of this Act

- “(1) A regulatory agency may provide to a recipient specified in subsection (2) any information or a copy of any document that it believes would assist the recipient in the performance or exercise of the recipient's functions, duties, or powers under this Act.
- “(2) The recipients are—
- “(a) the Minister:
 - “(b) an appropriate Minister:
 - “(c) the chief executive:
 - “(d) an enforcement officer.
- “(3) A regulatory agency may provide to another regulatory agency any information or a copy of any document that it believes would assist that other agency in the performance or exercise of its functions, duties, or powers under a specified Act that relate to activities under or associated with a permit.
- “(4)

A person or an agency that receives information provided under this section must not disclose the information to any other person or organisation unless—

- “(a) the disclosure is made for the purposes of, or in connection with, the performance or exercise of any function, power, or duty conferred or imposed by this Act or a specified Act on the person or agency; or
- “(b) the information is publicly available; or
- “(c) the disclosure is made with the consent of the person to whom the information relates or to whom the information is confidential; or
- “(d) the disclosure is made in connection with proceedings, or any investigation or inquiry for proceedings, for an offence against this Act or any other enactment; or
- “(e) the disclosure is required by another enactment; or
- “(f) the disclosure is required by a court of competent jurisdiction.”

Section 43: amended, on 21 May 2013, by [section 6](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Section 43: amended, on 21 May 2013, by [section 12\(1\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Section 43: amended, on 21 May 2013, by [section 12\(2\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Section 43: amended, on 21 May 2013, by [section 12\(3\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

44 Section 91 amended (Secretary to keep registers)

Replace [section 91\(1\) and \(2\)](#) with:

- “(1) The chief executive must keep a register of permits in the form that he or she thinks fit on which is entered brief particulars of all permits, including, in respect of each permit, the name and contact details of the permit participants, the name and contact details of the permit operator, and any changes, transfers, or leases of the permit.
- “(2) The chief executive must ensure that the following information is available for public inspection on an Internet site maintained by or on behalf of the chief executive:
 - “(a) a copy of every permit granted under this Act and all changes to a permit; and
 - “(b) the register (or a copy of the register) kept under subsection (1); and
 - “(c) any other prescribed documents.”

45 Section 92 amended (Permits are not real or personal property)

- (1) Replace [section 92\(2\)\(a\)](#) with:

“(a) on the death of a permit participant, his or her participating interest vests in the personal representative of the permit participant as if the participating interest were personal property, and the personal representative may deal with the participating interest to the same extent as the permit participant would have been able to; and”.

- (2) In [section 92\(2\)\(c\)](#), after “1988”, insert “; and”.

- (3) After [section 92\(2\)\(c\)](#), insert:

“(d) a permit is personal property for the purposes of the Personal Property Securities Act 1999.”

- (4) After [section 92\(3\)](#), insert:

- “(4) In the case of a participating interest to which subsection (2)(a) applies, the participating interest must be treated as property for the purposes of the distribution of the permit participant's estate and the permit participant's personal representative may transfer the participating interest to a beneficiary of the permit participant's estate without obtaining consent under section 41.”

46 New section 92A inserted (Effect of liquidation or loss of registration of company)

After [section 92](#), insert:

“92A Effect of liquidation or loss of registration of company

- “(1) On the liquidation of a permit participant, its participating interest vests in the liquidator as if it were personal property, and the liquidator may deal with the participating interest to the same extent as the permit participant would have been able to.
- “(2) On the removal of a permit participant from the New Zealand register under the Companies Act 1993, all participating interests held by the permit participant company vest in the Crown as if they were personal property.”

47 Section 95 amended (Address for service)

- (1) In [section 95\(1\)](#), replace “of an” with “of a physical”.
- (2) In [section 95\(1\)](#), after “different”, insert “physical”.
- (3) After subsection (2), insert:
- “(3)

Every permit participant must give written notice to the chief executive of an address (which may be an email address) and telephone number at which the permit participant can be contacted.

- “(4) A permit participant must give written notice to the chief executive of any change to the address or telephone number provided under subsection (3) as soon as reasonably practicable, but no later than 10 working days after the change takes effect.”

48 Section 97 amended (Application of monetary deposits)

In [section 97\(4\)\(b\)](#), after “payments outstanding”, insert “(including interest payable under section 99J)”.

49 New section 97A (Chief executive may prescribe form of certain documents)

After [section 97](#), insert:

“97A Chief executive may prescribe form of certain documents

- “(1) The chief executive may prescribe—
- “(a) the form and electronic format of any applications, returns, information accompanying any applications or returns, or any other documents that are not otherwise prescribed in regulations made under this Act:
 - “(b) the manner in which any applications, returns, information, or other documents must be submitted or notified if the manner of submission or notification is not otherwise prescribed in regulations made under this Act.
- “(2) For the purposes of subsection (1)(a), the chief executive may prescribe different forms or formats for different classes of permits or minerals.
- “(3) The chief executive must publish any form or format prescribed under subsection (1) on an Internet site maintained by or on behalf of the chief executive.
- “(4) The production by the chief executive of any document purporting to be a prescribed form or an extract from a prescribed form, or a copy of a form or an extract, is, in all courts and in all proceedings, unless the contrary is proved, sufficient evidence that the form or electronic format was prescribed.
- “(5) To avoid doubt, if the chief executive prescribes an electronic format for a form, the chief executive may require any signature on the form to be an electronic signature.”

50 Section 98 amended (Gold fossicking areas)

In the heading to [section 98](#), after “areas”, insert “(Crown land)”.

51 New section 98A inserted (Gold fossicking areas (other land))

After [section 98](#), insert:

“98A Gold fossicking areas (other land)

- “(1) The Minister may, by notice in the *Gazette* given on the request of a local authority, designate any land owned by the authority as a gold fossicking area.
- “(2) The notice must—
- “(a) state that the area is open for public fossicking in respect of gold; and
 - “(b) specify the area and its general location; and
 - “(c) state that a person has the right to mine for gold in the area by means only of non-motorised hand held tools; and
 - “(d) state any other terms or conditions that apply when a person is fossicking in the area (as agreed between the Minister and the owner of the land).
- “(3) The Minister must revoke a designation made under subsection (1) if requested to do so by the authority.”

52 New sections 99A to 99M and cross-headings inserted

After [section 99](#), insert:

“Provisions relating to enforcement officers, auditing, and requiring information

“99A Appointment of enforcement officers

- “(1) The chief executive may appoint 1 or more persons who are employees of a government department, a Crown entity, or a local authority to exercise 1 or more of the powers and perform the functions conferred on enforcement officers under this Act.
- “(2) The chief executive must supply each enforcement officer with a warrant of authorisation that clearly states the powers and functions of the officer.
- “(3) An enforcement officer who exercises, or purports to exercise, a power conferred on the enforcement officer under this Act must carry and produce, if required to do so,—
- “(a) his or her warrant of authorisation; and

“(b) evidence of his or her identity.

“(4) An enforcement officer must, on the termination of the enforcement officer's appointment, surrender his or her warrant to the chief executive.

“99B Powers of enforcement officers

- “(1) Any enforcement officer, specifically authorised in writing by the Minister to do so, may at all reasonable times go on, into, under, or over any place or structure, except a dwellinghouse or marae, for the purpose of determining whether a permit, this Act, or the regulations are being complied with.
- “(2) If the owner or occupier of a place subject to inspection is not present at the time of the inspection, the enforcement officer must leave in a prominent position at the place, or attached to a structure on the place, a written notice showing the date and time of the inspection and the name of the officer carrying out the inspection.
- “(3) An enforcement officer may not enter, unless the permission of the landowner is obtained, any land that any other Act states may not be entered without that permission.
- “(4) An enforcement officer who exercises the power of inspection under this section may be accompanied by any person or persons reasonably necessary to assist the enforcement officer with the inspection.
- “(5) A person who provides assistance under subsection (4) may exercise the powers provided to enforcement officers under subsection (1).

“99C Application for warrant for entry to search

- “(1) An issuing officer (within the meaning of section 3(1) of the Search and Surveillance Act 2012) may issue a warrant authorising the entry and search of any place or vehicle if, on an application made in the manner provided in subpart 3 of Part 4 of that Act, he or she is satisfied that there are reasonable grounds for believing that there is in, on, under, or over any place or vehicle anything—
- “(a) in respect of which an offence has been or is suspected of having been committed against this Act or the regulations; or
- “(b) that will be evidence of an offence against this Act or the regulations; or
- “(c) that is intended to be used for the purpose of committing an offence against this Act or the regulations.
- “(2) An application may be made under subsection (1) by—
- “(a) a constable; or
- “(b) an enforcement officer specifically authorised in writing by the Minister to apply for search warrants.

“99D Application of Part 4 of Search and Surveillance Act 2012

Part 4 of the Search and Surveillance Act 2012 (other than sections 118 and 119) applies, with any necessary modifications, in respect of inspections or searches undertaken under this Act by enforcement officers.

“99E Auditing

- “(1) A person referred to in subsection (2) may carry out an audit of records, kept by or on behalf of the chief executive or a permit holder, for the purpose of obtaining information about the following matters and reporting that information to the chief executive:
- “(a) the calculation of mineral resources by a permit holder undertaking mining activities;
- “(b) the calculation and payment of the correct amount of royalties due by a permit holder;
- “(c) the calculation and payment of any other money payable to the Crown;
- “(d) compliance with any prescribed requirement to keep or provide records or other information.
- “(2) The following persons may carry out an audit if directed by the chief executive:
- “(a) an enforcement officer;
- “(b) an independent auditor appointed by the chief executive.
- “(3) If the chief executive requires an independent auditor to be appointed, the permit holder must pay the independent auditor's costs if required to do so by the chief executive.
- “(4) However, the chief executive may require the payment of those costs only if the auditor has found material failures in relation to any calculations or payments or the keeping or providing of records or other information by the permit holder.

“99F Power to require information

- “(1) The Minister, the chief executive, or any enforcement officer may, by written notice, require any person to provide any information that the person giving the notice considers is necessary for any purpose relating to that person's functions, duties, or powers under this Act or for the administration or enforcement of this Act.
- “(2) The information specified in the notice may relate to—

- “(a) any aspect of the operation of a permit:
- “(b) any commercial agreements or arrangements to which a permit participant is a party.
- “(3) Information may be disclosed to the Minister, the chief executive, or an enforcement officer in confidence if—
 - “(a) a person who is required to provide information under subsection (1) so requests; and
 - “(b) the Minister, chief executive, or enforcement officer agrees to that request in writing.
- “(4) A person required to provide any information under this section must provide the information—
 - “(a) in the form and in the manner set out in the notice; and
 - “(b) within any reasonable time specified in the notice requiring the information; and
 - “(c) free of charge; and
 - “(d) regardless of whether the Minister, chief executive, or enforcement officer agrees to the information being disclosed in confidence.

“99G Protection of persons acting under authority of this Act

- “(1) No enforcement officer or person called upon to assist an enforcement officer who does an act, or omits to do an act, when performing a function or exercising a power conferred on that person by or under this Act (other than when exercising powers of inspection or search under sections 99B and 99C) is under any civil or criminal liability in respect of the act or omission, unless the person has acted, or omitted to act, in bad faith.
- “(2) Sections 166 and 167 of the Search and Surveillance Act 2012 apply in relation to persons exercising powers of inspection or search under sections 99B and 99C.

“Royalties and interest

“99H Royalties

Every permit holder must—

- “(a) submit royalty returns in accordance with the relevant permit, this Act, and the regulations; and
- “(b) pay royalties in accordance with the relevant permit, this Act, and the regulations.

“99I Power to amend royalty returns or make default assessment

- “(1) If the chief executive is satisfied that the information contained in a royalty return is incorrect, he or she may, at any time, amend the return and any assessment of the permit holder’s liability to pay money to the Crown (an **amendment**) as he or she thinks fit.
- “(2) If a permit holder fails to submit a royalty return when required to do so under this Act, the regulations, or a permit, the chief executive may make an assessment (a **default assessment**) of the matters that should have been in the permit holder’s royalty return.
- “(3) As soon as practicable after making an amendment or a default assessment, the chief executive must notify the permit holder of—
 - “(a) the particulars of the amendment or default assessment; and
 - “(b) any grounds or information upon which the amendment or default assessment was based; and
 - “(c) the right of the permit holder to object (as set out in section 99K).
- “(4) If an amendment or a default assessment results in the permit holder owing money to the Crown, the permit holder must pay the amount due within 20 working days after the date on which the permit holder is notified under subsection (3).
- “(5) If an amendment shows that a permit holder has overpaid the amount of royalties due, the chief executive must, within 20 working days after the date of the amendment, arrange for a refund to be paid to the permit holder.
- “(6) Interest calculated at the Commissioner's paying rate, as defined in section 120C of the Tax Administration Act 1994, is payable on any amount refunded.
- “(7) Despite subsection (1), the chief executive must not make an amendment to a permit holder's royalty return under this section at any time after the date that is 7 years from the end of the permit year in which the permit holder submitted the return if the amendment would result in an increase in the amount payable to the Crown, unless the chief executive is satisfied on reasonable grounds that the contents of the return—
 - “(a) are fraudulent or wilfully misleading; or
 - “(b) do not include an assessment of minerals obtained under the permit through a particular method or from a particular location, and in respect of which an assessment was required to be included in the return.

“99J Interest on unpaid money

- “(1)

If a permit holder does not fully pay, by the due date, all fees and other money payable by the holder to the Crown under this Act or the regulations (the **original amount**), the chief executive may make a written demand for the payment of interest on the part of the original amount that remains unpaid.

- “(2) The permit holder is liable for the interest payable and the interest must be calculated for every month or part of a month after the due date during which the original amount remains unpaid in full.
- “(3) Interest must be calculated in accordance with the following formula:

$$a = \frac{b \times c}{12}$$

where—

- a is the interest payable
- b is any part of the original amount that remains unpaid at the end of the month for which the interest is calculated
- c is the taxpayer's paying rate, as defined in section 120C of the Tax Administration Act 1994.
- “(4) In the case of royalties where the amount payable was assessed or amended under section 99I, interest must be calculated from the date on which the amount of royalties was originally due.
- “(5) Any payment the chief executive receives or applies on account of a permit holder's liability to pay an original amount must first be applied towards payment of the interest.

“99K Right to object to amendment or default assessment

- “(1) A permit holder may object to an amendment or a default assessment under section 99I.
- “(2) An objection must be in writing and received by the chief executive not later than 40 working days after the date on which the permit holder is notified of the amendment or default assessment under section 99I(3).
- “(3) The objection must set out the reasons for the objection.
- “(4) The chief executive must—
- “(a) give the permit holder an opportunity to be heard; and
- “(b) consider and determine the objection within 40 working days after its receipt.
- “(5) The chief executive must—
- “(a) dismiss the objection; or
- “(b) uphold the objection in whole or in part.
- “(6) Not later than 20 working days after deciding an objection, the chief executive must send to the permit holder—
- “(a) a copy of the decision, which must include the reasons for the decision; and
- “(b) any amended royalty return or default assessment; and
- “(c) notice of the right of the permit holder to appeal (as set out in section 99L).

“99L Right of appeal

- “(1) A permit holder who has made an objection under section 99K may, in accordance with the rules of court, appeal to a District Court against the chief executive's determination of the objection.
- “(2) An appeal must be made not later than 20 working days after the date on which the permit holder is notified of the chief executive's decision under section 99K(6).
- “(3) The District Court may confirm, reverse, or modify the decision and, if applicable,—
- “(a) amend the relevant royalty return or default assessment; and
- “(b) specify the amount of any money to be paid by the permit holder to the Crown or to be refunded to the permit holder, as the case may be.
- “(4) A decision of a District Court under subsection (3) may be appealed to the High Court, but only if—
- “(a) the ground of the appeal is that the decision is erroneous in point of law; or
- “(b) the District Court has determined that an amount of money is payable to the Crown and the amount is more than \$2,000.
- “(5) To avoid doubt, an appeal may be taken under subsection (4) by the permit holder or the chief executive (on behalf of the Crown).

“99M Status of original amendment or default assessment

- “(1) This section applies to an amendment or a default assessment made by the chief executive under section 99I if the permit holder concerned—
- “(a) objects to the amendment or default assessment under section 99K; or
- “(b) having made an objection, exercises 1 or more of the appeal rights under section 99L in respect of the determination of the objection.
- “(2) If the amendment or default assessment results in the permit holder owing money to the Crown,—
- “(a)

the amendment or default assessment must be treated as correct and final until the permit holder has exhausted those rights or the time period by which the rights must be exercised has expired and a final decision has been given by the chief executive or a court, as the case may be (**final decision**); and

- “(b) the permit holder must pay the money owing in accordance with section 99I(4).”
- “(3) If the final decision differs from the amendment or default assessment and—
- “(a) a refund is required to be paid to the permit holder, section 99I(5) and (6) apply, with any necessary modifications:
- “(b) a further amount is required to be paid by the permit holder, the permit holder must pay the amount to the chief executive within 20 working days after the date on which the final decision is made, including any interest calculated in accordance with section 99J.”

Section 52: amended, on 21 May 2013, by [section 13\(1\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Section 52: amended, on 21 May 2013, by [section 13\(2\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

53 Section 100 amended (Offences)

- (1) In [section 100\(2\)\(a\)](#), replace “conditions and with this Act” with “holder responsibilities”.
- (2) After [section 100\(3\)](#), insert:
- “(3A) Every person commits an offence against this Act who knowingly provides altered, false, incomplete, or misleading information (including royalty returns) to the chief executive or any other person in respect of a matter or thing under this Act or the regulations.”

54 Section 101 amended (Penalties)

- (1) In [section 101\(1\)](#),—
- (a) replace “\$200,000” with “\$400,000”; and
- (b) replace “\$10,000” with “\$20,000”.
- (2) In [section 101\(2\)](#),—
- (a) replace “\$10,000” with “\$20,000”; and
- (b) replace “\$1,000” with “\$2,000”.
- (3) In [section 101\(3\)](#), replace “\$1,500” with “\$3,000”.
- (4) After [section 101\(3\)](#), insert:
- “(3A) Every person who commits an offence against section 100(3A) is liable on summary conviction to a fine not exceeding \$800,000.”

55 New sections 101A to 101C inserted

After [section 101](#), insert:

“101A Interpretation

In sections 101B and 101C,—

“**exclusive economic zone** has the same meaning as in section 2(1) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

“**foreign ship** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

“**master** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

“**offshore area** means any area that is—

- “(a) within the territorial sea; or
- “(b) within the exclusive economic zone; or
- “(c) on or above the continental shelf

“**permitted prospecting, exploration, or mining activity** means an activity authorised under a prospecting, exploration, or mining permit

“**ship** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

“**specified non-interference zone** means a zone specified by the chief executive in accordance with section 101B(6) to (8)

“**structure**—

- “(a) means any fixed, moveable, or floating structure or installation; and
- “(b) includes a petroleum pipeline, petroleum pumping station, petroleum tank station, or petroleum valve station.

“101B Interfering with structure or operation in offshore area

- “(1) A person commits an offence if the person intentionally engages in conduct that results in—
- “(a) damage to, or interference with, any structure or ship that is in an offshore area and that is, or is to be, used in mining operations or for the processing, storing, preparing for transporting, or transporting of minerals; or
- “(b) damage to, or interference with, any equipment on, or attached to, such a structure or ship; or

- “(c) interference with any operations or activities being carried out, or any works being executed, on, by means of, or in connection with such a structure or ship.
- “(2) A person commits an offence if—
- “(a) the person is the master of a ship that, without reasonable excuse, enters a specified non-interference zone for a permitted prospecting, exploration, or mining activity; or
- “(b) the person leaves a ship and, without reasonable excuse, enters a specified non-interference zone for a permitted prospecting, exploration, or mining activity.
- “(3) In prosecuting an offence against subsection (2), it is not necessary for the prosecution to prove that the person intended to commit the offence.
- “(4) A person who commits an offence against subsection (1) is liable on summary conviction,—
- “(a) in the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50,000;
- “(b) in the case of a body corporate, to a fine not exceeding \$100,000.
- “(5) A person who commits an offence against subsection (2) is liable on summary conviction to a fine not exceeding \$10,000.
- “(6) For the purposes of subsection (2), the chief executive may specify a non-interference zone by notice published in a fortnightly edition of the *New Zealand Notices to Mariners* (under Part 25 of the Maritime Rules).
- “(7) A notice must specify—
- “(a) the permitted prospecting, mining, or exploration activity to which the non-interference zone relates; and
- “(b) the locality of the activity; and
- “(c) the area of the non-interference zone to which the activity relates (which may be up to 500 metres from any point on the outer edge of the structure or ship to which the activity relates or, if there is any equipment attached to the structure or ship, 500 metres from any point on the outer edge of the equipment); and
- “(d) the period (which may be up to 3 months) for which the notice has effect.
- “(8) The chief executive, when determining the area of a non-interference zone for the purposes of a notice, must take into account the nature of the activity, including the size of any structure or ship to which the activity relates and any equipment attached to the structure or ship necessary for the carrying out of the activity.
- “(9) No proceedings for an offence against this section may be brought in a New Zealand court in respect of a contravention of this section on board, or by a person leaving, a foreign ship without the consent of the Attorney-General.

“101C Powers of enforcement officers

- “(1) An enforcement officer who has reasonable cause to suspect that a person is committing, has committed, or is attempting to commit an offence against section 101B may do 1 or more of the following things:
- “(a) stop a ship within a specified non-interference zone and detain the ship;
- “(b) remove any person or ship from a specified non-interference zone;
- “(c) prevent any person or ship from entering a specified non-interference zone;
- “(d) board a ship (whether within a specified non-interference zone or otherwise), give directions to the person appearing to be in charge, and require the person to give his or her name and address;
- “(e) without warrant, arrest a person.
- “(2) If an enforcement officer described in subsection (6)(b) or (c) arrests a person under subsection (1)(e), the enforcement officer must cause the person to be delivered into the custody of a constable as soon as practicable.
- “(3) An enforcement officer who exercises a power under this section may be accompanied by any person or persons reasonably necessary to assist the enforcement officer to exercise the power.
- “(4) A person who provides assistance under subsection (3) may exercise the powers provided to an enforcement officer under subsection (1)(a) to (d).
- “(5) No enforcement officer, or person called upon to assist an enforcement officer, who does an act, or omits to do an act, when exercising a power under this section is under any civil or criminal liability in respect of the act or omission, unless the person has acted, or omitted to act, in bad faith.
- “(6) For the purposes of this section, the following persons are enforcement officers:
- “(a) every constable;
- “(b) every person in command of a ship of the New Zealand Defence Force;
- “(c) every person acting under the command of a person described in paragraph (b).”

Section 55: amended, on 21 May 2013, by [section 14](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

56 Section 104 amended (Recovery of fees and other money)

- (1) In [section 104\(1\)](#), replace “Crown under this Part” with “Crown under this Act or the regulations”.
- (2) In section 104(1), replace “granted under this Part, shall be” with “granted under this Act, is”.
- (3) Replace [section 104\(2\)](#) with:
 - “(2) All fees payable under this Act or the regulations must be paid into a Departmental Bank Account, and all other money payable to the Crown under this Act, or the regulations, or under any permit granted under this Act, must be paid into a Crown Bank Account.
 - “(3) To avoid doubt, any interest payable on fees must be paid into a Crown Bank Account.”

57 Section 105 amended (Regulations)

- (1) Replace [section 105\(1\)\(a\)](#) with:
 - “(a) prescribing the form or content of applications, permits, notices, reports, or any other documentation or information required under this Act, and the manner in which such documentation or information is to be provided.”.
- (2) After [section 105\(1\)\(c\)](#), insert:
 - “(ca) specifying for the purposes of section 33C the kind or class of permits for which an annual report of the permit holder’s engagement with iwi affected by the permit must be provided to the Minister:
 - “(cb) prescribing, in relation to iwi engagement reports required under section 33C, the manner in which the reports are to be provided, the periods to which the reports must apply, and the time by which the reports must be provided.”.
- (3) In [section 105\(1\)](#), replace “Part” with “Act” in each place.

58 New sections 105A to 105D inserted

After [section 105](#), insert:

“105A Regulations relating to royalties

- “(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for 1 or more of the following purposes:
 - “(a) prescribing how royalties are to be calculated, or the rate or rates for royalties:
 - “(b) prescribing thresholds that apply for the purpose of determining whether royalties are payable:
 - “(c) prescribing the due dates for royalty payments and submitting royalty returns.
- “(2) The regulations may make different provisions for—
 - “(a) different minerals:
 - “(b) a mineral that occurs in different specified states, places, phases, or strata:
 - “(c) a mineral that is explored for or extracted by different specified methods.
- “(3) If regulations made under this section are in force—
 - “(a) when an initial permit is granted in respect of a mineral, royalties must be calculated in accordance with the regulations as they apply at the time the permit is granted:
 - “(b) when a subsequent permit is granted in respect of the same mineral, royalties must also be calculated in accordance with the regulations as they applied at the time the initial permit was granted:
 - “(c) when a permit is changed to cover a different mineral, royalties in respect of that mineral must be calculated in accordance with the regulations as they apply when the relevant change to the permit takes effect.
- “(4) Despite subsection (3), the period in relation to which the royalty calculations are made must be that specified in the current regulations.

“105B Regulations not invalid for certain matters

- “(1) No regulation made under section 105 or 105A is invalid because—
 - “(a) it authorises the Minister or any other person—
 - “(i) to give any consent or approval on or subject to conditions to be imposed or approved by the Minister or any other person; or
 - “(ii) to set any standard; or
 - “(b) it otherwise leaves any matter to the discretion of the Minister or any other person.
- “(2) No regulation made under section 105A is invalid because it authorises the Minister or any other person to determine any costs, value, or price for the purpose of assessing royalties payable in any case.

“105C Regulations may incorporate material by reference

- “(1) Regulations made under section 105 or 105A may incorporate by reference 1 or more of the following:
 - “(a) financial reporting standards made under the Financial Reporting Act 1993, as those standards are defined in section 2(1) of that Act (**financial reporting standards**):
 - “(b)

- a standard, framework, code of practice, recommended practice, or requirement of an international organisation or a national organisation:
- “(c) a standard, framework, code of practice, recommended practice, or requirement prescribed in any country or jurisdiction, or by any group of countries:
 - “(d) any other written material that deals with technical matters and that can reasonably be regarded as being too large or impractical to include in, or publish as part of, the regulations.
- “(2) The material may be incorporated by reference in the regulations—
- “(a) in whole or in part; and
 - “(b) with modifications, additions, or variations specified in the regulations.
- “(3) The incorporated material—
- “(a) is as that exists at the time that the regulations are made; and
 - “(b) forms part of the regulations for all purposes and has legal effect accordingly.
- “(4) An amendment to, or replacement of, a financial reporting standard in regulations made under section 105 or 105A (the **initial regulations**) has legal effect as part of the initial regulations on and from the date on which the amendment or regulation takes effect and commences to apply under section 28 of the Financial Reporting Act 1993, if—
- “(a) the amendment or replacement is made by the External Reporting Board in accordance with that Act; and
 - “(b) the amendment or replacement is of the same general character as the standard that is amended or replaced; and
 - “(c) the initial regulations state that amendments or replacements have this effect.
- “(5) An amendment to, or replacement of, any other material in the initial regulations referred to in subsection (1) has legal effect as part of the initial regulations only if it is specifically incorporated by amendment regulations to the initial regulations.
- “(6) A copy of material incorporated by reference in regulations made under section 105 or 105A, including any amendment to, or replacement of, the material, must be—
- “(a) certified as a correct copy by the chief executive; and
 - “(b) retained by the chief executive.
- “(7) The production in proceedings of a certified copy of the material incorporated by reference is, in the absence of evidence to the contrary, sufficient evidence of the incorporation in the regulations of the material.
- “(8) Material incorporated by reference in regulations made under section 105 or 105A that expire or that are revoked or that cease to have effect ceases to have legal effect as part of the regulations only if regulations made under that section state that the material ceases to have legal effect.
- “(9) The department responsible for the administration of this Act must—
- “(a) provide electronic access to any material incorporated by reference in regulations made under this section, unless doing so would infringe copyright; and
 - “(b) make the material available for inspection during working hours, free of charge, at the department’s head office and at any other place that the chief executive determines is appropriate.
- “(10) A failure to comply with subsection (9) does not invalidate regulations that incorporate any material incorporated by reference in regulations made under section 105 or 105A.
- “(11) The Acts and Regulations Publication Act 1989 does not apply to—
- “(a) material incorporated by reference in regulations made under section 105 or 105A; or
 - “(b) an amendment to, or replacement of, that material.
- “(12) Nothing in section 4 of the Regulations (Disallowance) Act 1989 requires material that is incorporated by reference in regulations made under this section to be presented to the House of Representatives.
- “(13) The Regulations (Disallowance) Act 1989, apart from the modification to the application of section 4 of that Act made by subsection (12) of this section, applies to regulations that incorporate material by reference.

“105D Requirement to consult on proposal to incorporate material by reference

- “(1) Before regulations incorporating material by reference are made under section 105 or 105A, the chief executive must—
- “(a) make copies of the material proposed to be incorporated by reference (the **proposed material**) available for inspection during working hours for a reasonable period, free of charge, at the head office of the department responsible for the administration of this Act (the **administering department**) and at any other place that the chief executive determines is appropriate; and
 - “(b) state where copies of the proposed material are available for purchase; and
 - “(c) make copies of the proposed material available, free of charge, on an Internet site maintained by or on behalf of the administering department, unless doing so would infringe copyright; and
 - “(d) give notice in the *Gazette* stating—
 - “(i)

- that the proposed material is available for inspection during working hours, free of charge, and stating the places at which it can be inspected and the period during which it can be inspected; and
- “(ii) that copies of the proposed material can be purchased and stating the places at which they can be purchased; and
- “(iii) if applicable, that the proposed material is available on the Internet, free of charge, and stating the Internet site address; and
- “(e) allow a reasonable opportunity for persons to comment on the proposal to incorporate the proposed material by reference; and
- “(f) consider any comments made.
- “(2) The chief executive—
- “(a) may make copies of the proposed material available in any other way that he or she considers appropriate in the circumstances; and
- “(b) must, if paragraph (a) applies, give notice in the *Gazette* stating that the proposed material is available in other ways and giving details of where or how it can be accessed or obtained.
- “(3) The chief executive may comply with subsection (1)(c) (if applicable) by providing a hypertext link from an Internet site maintained by or on behalf of the administering department to a copy of the proposed material that is available, free of charge, on an Internet site that is maintained by or on behalf of someone else.
- “(4) A failure to comply with this section does not invalidate an instrument that incorporates material by reference in reliance on section 105C.
- “(5) For the purposes of subsection (1)(c), a chief executive may not rely on section 66 of the Copyright Act 1994 as authority to make the proposed material available on an Internet site.
- “(6) Nothing in this section applies to material proposed to be incorporated by reference described in section 105C(1)(a).
- “(7) In this section, **proposed material** means—
- “(a) the material itself;
- “(b) an accurate translation in an official New Zealand language of the material, if the material is not in an official New Zealand language.”

Section 58: amended, on 21 May 2013, by [section 15](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Repeals, consequential amendments, and transitional provisions

59 Part 2 replaced

Replace [Part 2](#) with:

**“Part 2
“Savings and transitional provisions**

“106 Savings and transitional provisions

The savings and transitional provisions set out in Schedule 1 have effect for the purposes of this Act.”

60 New Schedule 1 inserted

Insert, as Schedule 1, the Schedule 1 set out in [Schedule 1](#) of this Act.

61 Schedule 4 replaced

Replace [Schedule 4](#) with the Schedule 4 set out in [Schedule 2](#) of this Act.

62 New Schedule 5 inserted

After [Schedule 4](#), insert the Schedule 5 set out in [Schedule 3](#) of this Act.

63 Amendments to principal Act relating to Legislation Act 2012

- (1) This section takes effect on the repeal of the [Acts and Regulations Publication Act 1989](#) and the [Regulations \(Disallowance\) Act 1989](#).
- (2) Replace [section 19\(3\)](#) of the principal Act (as inserted by [section 18](#) of this Act) with:
- “(2) A minerals programme—
- “(a) is a disallowable instrument for the purposes of the Legislation Act 2012; and
- “(b) must be presented to the House of Representatives under section 41 of that Act.”
- (3) Replace section 105C(11) to (13) of the principal Act (as inserted by [section 58](#) of this Act) with:
- “(11) Part 2 of the Legislation Act 2012 does not apply to—
- “(a) standards or terms incorporated by reference in regulations made under this section; or

- “(b) an amendment to or replacement of those standards or terms.
- “(12) Subpart 1 of Part 3 of the Legislation Act 2012 applies to regulations made under this section that incorporate standards or terms by reference.
- “(13) However, nothing in section 41 of the Legislation Act 2012 requires material that is incorporated by reference in regulations made under this section to be presented to the House of Representatives.”

64 Consequential and minor amendments to principal Act

Amend the principal Act as set out in [Schedule 4](#).

65 Consequential amendments to other Acts

Amend the Acts specified in [Schedule 5](#) as set out in that schedule.

Schedule 1
New Schedule 1 inserted

[s 60](#)

Schedule 1
Savings and transitional provisions

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Part 1
Provisions relating to Crown Minerals Amendment Act
2013

Interpretation

In Part 1 of this schedule,—

Amendment Act means the Crown Minerals Amendment Act 2013

existing permit means a permit that existed immediately before the commencement of the Amendment Act

new section, new subsection, or new Schedule means the specified section, subsection, or Schedule of the principal Act as amended, replaced, or inserted by the Amendment Act

old Part, old section, or old subsection means the specified Part, section, or subsection of the principal Act as it read immediately before the section was amended or replaced by the Amendment Act

principal Act means this Act (the Crown Minerals Act 1991).

Subpart 1—Provisions relating to permits and permit holders

2 Permit holder must notify Minister of operator

- (1) This clause applies to a permit holder that, immediately before the commencement of the Amendment Act, comprises 2 or more permit participants.
- (2) No later than 5 December 2013, the permit holder must—
 - (a) notify the Minister of which permit participant is responsible, on behalf of the permit holder, for the day-to-day management of activities under the permit; and
 - (b) provide the chief executive with the name and contact details of that permit participant.
- (3) For the purposes of the principal Act, the permit participant notified to the Minister is, on and from the date of notification, the permit operator for the permit.

3 Provisions relating to minerals programmes

- (1) Despite section 13, a minerals programme in force immediately before the commencement of the Amendment Act (an **old minerals programme**) continues to have effect subject to this clause and new section 22(2).
- (2) An old minerals programme continues to apply to each relevant existing permit until the earliest of the following events occurs:
 - (a) the permit holder applies for a subsequent permit in accordance with new section 32:
 - (b) the permit holder applies to change the permit under or in accordance with new section 36:
 - (c) the permit holder applies to surrender part of the permit under new section 40:
 - (d) a permit participant applies for a consent to transfer some or all of its participating interest in the permit under new section 41:
 - (e) a permit participant notifies the Minister of a change of control within the scope of new section 41A:
 - (f) a permit participant applies for consent to a dealing within the scope of new section 41B:
 - (g) the permit holder applies for the permit operator to be changed under new section 41C:
 - (h) the permit holder opts into the current minerals programme in accordance with subclause (4).
- (3) Once the event occurs, the minerals programme referred to in new section 13 applies to the permit.
- (4) If a minerals programme is approved under new Part 1A in place of an old minerals programme, the holder of a relevant existing permit may opt into that minerals programme (the **current minerals programme**) by notice in writing to the Minister, and the current minerals programme applies to the permit from the date on which the Minister approves a revised work programme for the permit that is consistent with the current minerals programme.
- (5) Any valid action taken in anticipation of, or as part of, offering a permit for allocation by public tender under an old minerals programme (including any consultation) must be treated for all purposes as complying with any requirements imposed in relation to those actions by—
 - (a) the principal Act (as amended by the Amendment Act) in respect of those actions; or
 - (b) any minerals programme approved under new Part 1A in place of the old minerals programme.
- (6) If the Minister has offered permits for allocation by public tender under an old minerals programme, that process must be continued and completed under the principal Act (as amended by the Amendment Act) and any minerals programme approved under new Part 1A in place of the old minerals programme.
- (7) The Governor-General may by Order in Council issue a minerals programme that comes into force on the same date as the Amendment Act commences, and any such minerals programme must be treated for all purposes as if it were issued under new section 19(1) and all the requirements of that section had been satisfied.

Provisions about royalties

- (1) Despite anything in clause 3, new section 105A, or regulations made under new section 105A, any royalties to be calculated under a permit or a subsequent permit that is granted in exchange for an existing permit must continue to be calculated in accordance with the minerals programme that applied when the existing permit (or, if the existing permit is a subsequent permit, the initial permit to that subsequent permit) was granted.
- (2) Despite subclause (1), the period in relation to which the royalty calculations are made must be that specified in the current regulations made under new section 105A.
- (3) Subclause (1) applies even if the minerals programme that applied when the existing permit was granted is replaced.
- (4) However, if an existing permit is changed to cover a different mineral, royalties in respect of that mineral must be calculated in accordance with regulations made under new section 105A as those regulations apply when the change to the permit takes effect.

5 Pending applications for permit or change to permit

- (1) This clause applies to the following applications and notifications if a final decision in respect of the application or notification has not been made before the commencement of the Amendment Act:
 - (a) an application for a permit under old section 23 (other than an application to which clause 6 applies); and
 - (b) an application under old section 36, 37, or 41; and
 - (c) a notification under old section 40.
- (2) The application or notification must be determined by the Minister or accepted by the chief executive, as the case may be, in accordance with—
 - (a) the principal Act (as amended by the Amendment Act); and
 - (b) the minerals programme that—
 - (i) comes into force on the date on which the Amendment Act commences; and
 - (ii) relates to the mineral to which the application applies.
- (3) The Minister or the chief executive may require the applicant or the person making the notification to provide any further information or document that the Minister or the chief executive considers necessary in order to determine or accept the application or notification in accordance with the principal Act as so amended.
- (4) If an application was made under old section 36 or 37 and relates to a change to the specified date by which specified work must be carried out, or to a change to specified work that must be carried out by a specified date, the permit holder does not contravene the conditions if the conditions—
 - (a) must be complied with or fulfilled while the application is being considered by the Minister; and
 - (b) is not complied with or fulfilled while the application is being considered by the Minister.
- (5) However, if the Minister declines the application, the permit holder contravenes the conditions from the date on which the conditions should have been complied with or fulfilled.
- (6) To avoid doubt, any permit granted by the Minister in response to an application made in accordance with this clause is subject to—
 - (a) the principal Act (as amended by the Amendment Act); and
 - (b) the minerals programme that comes into force on the date on which the Amendment Act commences and that relates to the mineral to which the permit applies unless and until that programme is changed in accordance with the principal Act (as amended by the Amendment Act).

6 Pending applications for petroleum exploration permit

- (1) This clause applies to every application for a petroleum exploration permit under the principal Act—
 - (a) that was made before 30 August 2011 under the Minerals Programme for Petroleum (2005); and
 - (b) for which a final decision has not been made before the commencement of the Amendment Act.
- (2) An application must be dealt with under the principal Act (as it read immediately before the commencement of the Amendment Act) and the Minerals Programme for Petroleum (2005) (as it read immediately before being revised on 25 January 2012).
- (3) A permit granted in respect of an application to which this clause applies has effect as if granted under the principal Act (as amended by the Amendment Act).

7 Petroleum exploration permit holders' rights to extension of duration of permit

- (1) Despite new section 35(4), a specified permit may be extended—
 - (a) for a period not exceeding 15 years from the commencement date of the permit in accordance with new section 36(1) to (4); and

- (b) under new section 35A.
- (2) In this clause, **specified permit** means—
 - (a) a permit granted in respect of an application to which clause 6 applies; and
 - (b) an existing exploration permit for petroleum.

8 Relinquishment obligation

- (1) This clause applies to every existing exploration permit in relation to which the permit holder has relinquished an area subject to the permit in order to obtain an extension of duration under old section 37.
- (2) The relinquishment is deemed to be a relinquishment obligation for the purposes of new section 35C.

9 Pending applications for access arrangement for Crown land

- (1) This clause applies to every application for an access arrangement under old section 61 in respect of Crown land for which a final decision has not been made before the commencement of the Amendment Act.
- (2) The principal Act (as amended by the Amendment Act) applies to the applications.
- (3) To avoid doubt, if, immediately before the commencement of the Amendment Act, a final decision has not been made about an access arrangement application made to the Minister of Conservation, the Minister of Conservation or the Minister and the Minister of Conservation, as the case may be, must consider the application in accordance with new Schedule 4.

10 Provisions relating to speculative prospectors

If the Minister determines, within 90 days after the date on which the Amendment Act comes into force, that an existing non-exclusive petroleum prospecting permit holder or an applicant for a petroleum prospecting permit for which the application is made but not determined before the commencement of the Amendment Act is or will be a speculative prospector (within the meaning of new section 90C(7)), new section 90(8) applies to all information provided by the speculative prospector under new section 90 on or after 1 October 2012.

Subpart 2—Provisions relating to existing privileges

11 Application of this subpart

This subpart applies to existing privileges in replacement of all provisions contained in old Part 2.

12 Existing privileges continue

- (1) Except as otherwise provided in the rest of this clause and subpart, each existing privilege continues to have effect after the commencement of the Amendment Act as if—
 - (a) the Act that applied to the privilege before the commencement of the principal Act continues in force; and
 - (b) the holder of the privilege continues to have the same statutory rights as the holder would have had if the principal Act and the Resource Management Act 1991 had not been enacted (except that if any consent in respect of the privilege would, but for this subclause, be required and need to be sought under the Resource Management Act 1991, then the Resource Management Act 1991 does apply); and
 - (c) subject to clause 15, the holder of the privilege continues to have the same statutory obligations as the holder would have had if the principal Act had not been enacted; and
 - (d) every person having any function, power, or duty relating to the administration of the Act that applied to the privilege before that date continues to have those functions, powers, and duties; and
 - (e) the Environment Court and any other body having any function, power, or duty connected with the determination of any dispute under the Act which applied to the privilege before that date continued to have those functions, powers, and duties; and
 - (f) all persons continue to have the same rights to compensation, to make objections, and to appeal as they would have had if the principal Act had not been enacted.
- (2) Despite subclause (1), sections 63 and 64 of the Petroleum Act 1937 do not apply in respect of any pipeline to which an authorisation granted under Part 2 of that Act relates.
- (3) Despite subclause (1), if, after the commencement of the Amendment Act, a holder of an existing privilege makes an application to which section 77 of the Mining Act 1971 or section 48 of the Coal Mines Act 1979 would apply, then—
 - (a) the Act does not apply in respect of the application; and
 - (b)

the principal Act as amended by the Amendment Act applies instead in respect of the application as if the existing privilege were a prospecting permit, exploration permit, or mining permit, as the case may be.

- (4) Despite subclause (1), no extension of the duration of a mining privilege may be granted on an application for a variation of conditions under section 103D of the Mining Act 1971 made after 5 pm on 19 September 2002.
- (5) Despite subclause (1), a section of the principal Act (whether a new or an old section) applies to each existing privilege, in the manner provided in the section, if the section in whole or in part expressly relates to or provides for an existing privilege.

13 Operators for existing privileges

- (1) New section 27 applies to each existing privilege as if the existing privilege were a permit and the holder or holders of the privilege were permit participants, except that the person designated by the existing privilege holder as the permit operator under that section may be someone other than a holder of the existing privilege.
- (2) No later than 5 December 2013, the existing privilege holder must—
 - (a) notify the Minister of which person is responsible, on behalf of the privilege holder, for the day-to-day management of activities under the privilege; and
 - (b) provide the chief executive with the name and contact details of that person.
- (3) For the purposes of the principal Act, the person notified to the Minister is, on and from the date of notification, the permit operator for the existing privilege, unless the permit operator is subsequently changed in accordance with new section 41C.
- (4) For the purposes of subclause (3), new section 41C applies to each existing privilege—
 - (a) as if the existing privilege were a permit and the holder of the privilege a permit holder and, for the purpose of that section, new sections 2B to 2D also apply;
 - (b) but the person proposed to become the new operator may be someone other than a holder of the existing privilege.

14 New sections apply to existing privileges

- (1) New sections 33A, 33B, 90D, and 90E apply to each existing privilege as if the existing privilege were a permit and the holder of the privilege a permit holder.
- (2) New sections 33C, 33D, and 90 apply to each existing privilege as if the existing privilege were a permit and the holder of the privilege a permit holder and, for the purpose of those sections, new sections 2B to 2D also apply.
- (3) New sections 99B to 99G and 99I to 99M apply to each existing privilege as if the existing privilege were a permit and the holder of the privilege a permit holder, but the reference in new section 99C to an offence against the principal Act must be read as a reference to an offence against the relevant Act referred to in the definition of existing privilege in section 2.

15 Administration of existing privileges in respect of Resource Management Act 1991 and Health and Safety in Employment Act 1992 matters

- (1) Subject to clause 16, the functions, powers, and duties—
 - (a) that, before the commencement of the principal Act, would have been exercisable or performable by the Minister of Energy in respect of an existing privilege, or of any condition of an existing privilege, or of any provisions of an Act that relate to an existing privilege; and
 - (b) that concern matters that are within the functions of a local authority under section 30 or 31 of the Resource Management Act 1991—
 are exercisable or performable by the appropriate consent authority and the provisions of the Resource Management Act 1991 relating to the existing privilege, with all necessary modifications, apply accordingly.
- (2) Where there is doubt as to which person is responsible for exercising or performing a particular function, power, or duty, and that doubt cannot be resolved by agreement between those persons, any such person may apply to the Environment Court for an order determining the matter, and the court may grant such an order on such conditions as it thinks fit.
- (3) Before the Minister varies the terms and conditions of an existing privilege, or takes any enforcement action against the holder of an existing privilege in respect of the existing privilege, the Minister must give written notice to the consent authority that has any functions, powers, and duties in relation to the privilege under this clause, of the proposed action and the reasons for it.
- (4) Before a consent authority varies the terms and conditions of an existing privilege, or takes any enforcement action against the holder of an existing privilege in respect of the existing privilege, the consent authority must give written notice to the Minister of the proposed action and the reasons for it.
- (5) A failure to comply with subclause (3) or (4) does not invalidate any variation or enforcement action.

- (6) A local authority has, for the purposes of exercising or performing its functions, powers, and duties in relation to an existing privilege under this section, all of the powers conferred on an enforcement officer by section 332 of the Resource Management Act 1991.
- (7) Despite clause 12(1)(d) or section 4 of the Health and Safety in Employment Act 1992, the functions, powers, and duties that—
- (a) before the commencement of the Health and Safety in Employment Act 1992, would have been exercisable or performable by any person in respect of an existing privilege; and
 - (b) concern matters that are within the functions, powers, and duties of an Inspector holding office under section 29(1) of the Health and Safety in Employment Act 1992—
- are exercisable or performable by an Inspector in relation to the existing privilege and that Act applies accordingly with any necessary modifications.
- (8) Despite clause 12(1)(d), the functions, powers, and duties—
- (a) that before the commencement of the principal Act would have been exercisable or performable by an Inspector and that would have arisen in respect of an existing privilege, or of any condition of an existing privilege, or of any provisions of an Act that relate to an existing privilege; and
 - (b) that concern matters that are not within the functions of a local authority under section 30 or 31 of the Resource Management Act 1991 or an Inspector under section 29(1) of the Health and Safety in Employment Act 1992—
- are exercisable or performable by the chief executive, and the provisions of the Act relating to the existing privilege apply accordingly, with any necessary modifications.
- (9) References in this section to the Minister include references to any statutory officer appointed under the Act under which the existing privilege was granted.

16 Bonds and monetary deposits

- (1) The administration of monetary deposits and bonds held under section 108A of the Mining Act 1971, section 71 of the Coal Mines Act 1979, or section 47H of the Petroleum Act 1937 must be carried out so that the chief executive holds the monetary deposit or bond, and any money recovered under a bond, but those sections must apply so that, during the duration of, and on the termination of, an existing privilege,—
- (a) the appropriate consent authority is entitled to have first priority to one-half of the amount of any deposit or bond held by the chief executive for the purpose of restoring or protecting any property injuriously affected or endangered by reason of the failure of the holder of the existing privilege to comply with the terms and conditions of the privilege; and
 - (b) the Minister is entitled to have first priority to the other half of the amount of any deposit or bond for the purpose of the payment of any money payable to the Crown by the holder of the existing privilege in respect of which the deposit or bond is held or in respect of any other existing privilege held by that holder; and
 - (c) the appropriate consent authority is entitled to the full amount of any increase in the deposit or bond under subclause (2).
- (2) Where the regional council for the region within which any land subject to a coal mining right is wholly or predominantly situated is satisfied, after consultation with the appropriate territorial authority, that the amount of the deposit or bond lodged in respect of that right pursuant to section 71 (1) of the Coal Mines Act 1979 is insufficient to meet the amount that is or may become payable under section 71(3) of that Act, the regional council may, at intervals of not less than 3 years, require the holder of the coal mining right to increase the amount of the deposit or bond accordingly; and the holder of the coal mining right must comply with that requirement.
- (3) Within 15 working days after the date on which notice is given to the holder of the coal mining right that a regional council has increased the amount of deposit or bond pursuant to subclause (2), the holder of the coal mining right may appeal against the decision of the regional council by lodging a notice of appeal with the Environment Court.
- (4) A copy of the notice of appeal must be served on the regional council and on the chief executive either before or immediately after it is lodged with the Environment Court.
- (5) Subject to subclauses (6) and (7), for the purposes of an appeal under this clause, the Environment Court has all the powers, duties, functions, immunities, and discretions conferred on it under the Resource Management Act 1991.
- (6) In hearing an appeal under this clause, the Environment Court must have regard to—
- (a) the purpose for which the deposit or bond is levied; and
 - (b) the reasonableness of the amount of the deposit or bond set by the regional council, given the purpose for which the deposit or bond is levied.
- (7) On completion of the hearing, the Environment Court must prepare a written decision, which must—
- (a) uphold the decision of the regional council; or
 - (b)

- amend the amount of the increase in the deposit or bond set by the regional council, but such amendment shall not increase the amount originally fixed by the regional council; or
- (c) revoke the decision of the regional council.
- (8) No appeal lies from any decision of the Environment Court under this clause.

17 Fees payable by holders of existing privileges

- (1) This clause applies despite clause 12(1).
- (2) The holders of coal mining rights under the Coal Mines Act 1979 are not liable for the payment of rental under that Act in respect of any period following the date of commencement of the principal Act.
- (3) The holders of mining privileges under the Mining Act 1971 are not liable for the payment of rental under that Act in respect of any period following the date of commencement of the principal Act.
- (4) Persons entitled to the payment of rental under the Coal Mines Act 1979 are not entitled to the payment of rental under that Act in respect of any period following the date of commencement of the principal Act.
- (5) Persons entitled to the payment of rental under the Mining Act 1971 are not entitled to the payment of rental under that Act in respect of any period following the date of commencement of the principal Act.
- (6) From the date of commencement of the principal Act, the holders of coal mining rights under the Coal Mines Act 1979 and the holders of mining privileges under the Mining Act 1971 are liable to pay to the chief executive the fees in respect of their coal mining right or mining privilege as they would be liable to pay if their coal mining right or mining privilege were the equivalent kind of prospecting permit, exploration permit, or mining permit, as the case may be.
- (7) Any ironsands export levy payable under an authorisation given or an agreement entered into under the Iron and Steel Industry Act 1959 must be paid 6-monthly within 30 days after 1 January and 1 July in each year.
- (8) Where the holder of an existing privilege fails to make payment to the Crown of an ironsands export levy or royalties payable under the existing privilege by the due date, a penalty of 10% of the amount due shall also become due and payable, by the holder of the existing privilege, to the Crown.
- (9) Every holder of a mining licence granted under the Petroleum Act 1937 is not liable to pay any fees provided for in that Act or in any regulations made under that Act, but must pay to the chief executive the fees in respect of the licence as the holder would be liable to pay if the licence were the equivalent kind of prospecting permit, exploration permit, or mining permit, as the case may be.

18 Data lodgement requirements for certain existing privileges

- (1) Subclause (2) applies in relation to the lodging of data and reports in respect of every existing privilege that is—
- (a) a prospecting licence or mining licence granted under the Petroleum Act 1937;
- (b) a licence granted under the Mining Act 1971 or the Coal Mines Act 1979;
- (c) an authorisation given, an agreement entered into, or a grant of rights under the Iron and Steel Industry Act 1959, or an existing right referred to in section 5 of that Act.
- (2) Despite clause 12(1), from the commencement of the Amendment Act, the holder of an existing privilege is only required to comply with the requirements of the principal Act (as amended by the Amendment Act) for the lodging of data and reports in respect of the licence that would apply if the licence were the equivalent kind of prospecting, mining, or exploration permit, as the case may be.

19 Notices under section 24 of Mining Act 1971

- (1) Every notice issued under section 24 of the Mining Act 1971 before the date of commencement of the principal Act continues to have effect until it is revoked by the Minister, and—
- (a) any land set apart by any such notice for mining purposes, or any specified mining purposes exclusively, is not available for any other purpose; and
- (b) no minerals permit that is inconsistent with any such notice may be applied for or granted under new Part 1B.
- (2) The Minister may revoke—
- (a) a notice issued under section 24(1)(aa) of the Mining Act 1971, only with the concurrence of the Minister of Conservation;
- (b) a notice issued under section 24(1)(b) of that Act, only with the concurrence of the Minister of Lands.

20 Compensation claims

- (1) If, immediately before the date of commencement of the principal Act, any claim for compensation under any enactment repealed by the principal Act has been or could be made, that claim may be made or continued and enforced in all respects as if the principal Act had not been enacted.
- (2) No person is entitled to compensation from the Crown in respect of any losses arising from—

- (a) the loss of the right to apply for a new mining licence under section 77 of the Mining Act 1971:
- (b) the loss of the right to apply for a new coal mining licence under section 48 of the Coal Mines Act 1979:
- (c) the loss of the right to apply for an extension to the duration of a mining privilege under section 103D of the Mining Act 1971.

Subpart 3—Other matters

21 Existing reservations of land

- (1) This clause applies if, before the commencement of the Amendment Act,—
 - (a) the Minister has given notice that an area of land is reserved for possible allocation by public tender; and
 - (b) the notice has not been cancelled.
- (2) The notice must be treated as if it were a notice made—
 - (a) on the date of the commencement of the Amendment Act; and
 - (b) under and compliant with new section 28A.

Schedule 1: amended, on 21 May 2013, by [section 16\(1\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 1: amended, on 21 May 2013, by [section 16\(2\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 1: amended, on 21 May 2013, by [section 16\(3\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 1: amended, on 21 May 2013, by [section 16\(4\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 1: amended, on 21 May 2013, by [section 16\(5\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 1: amended, on 21 May 2013, by [section 16\(6\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 2 **Schedule 4 replaced**

[s 61](#)

Schedule 4

ss 53(3), 54(3), 61, Schedule 1 cl 9

Land to which access restrictions apply

- 1 Any national park (within the meaning of section 2 of the National Parks Act 1980).
- 2 Any reserve classified as a nature reserve under section 20 of the Reserves Act 1977.
- 3 Any reserve classified as a scientific reserve under section 21 of the Reserves Act 1977.
- 4 Any part of a reserve set apart as a wilderness area under section 47(1) of the Reserves Act 1977.
- 5 Any conservation area declared under section 18AA or 18(1) of the Conservation Act 1987 as—
 - (a) a wilderness area; or
 - (b) a sanctuary area.
- 6 Any area declared a wildlife sanctuary under section 9(1) of the Wildlife Act 1953.
- 7 Any area declared a marine reserve under section 4(1) of the Marine Reserves Act 1971.
- 8 Any land within a wetland and notified to the Ramsar Secretariat by the Minister for the time being responsible for the Ramsar Administrative Authority (as the terms Ramsar Secretariat and Ramsar Administrative Authority are defined in section 2(1) of the Conservation Act 1987).
- 9 The area described in the Otahu Dedicated Area Notice 1976 (Gazette 1976, p 654).
- 10 The area described in the Parakawai Geological Area Notice 1980 (Gazette 1980, p 2408).

- 11 All land—
- (a) held, managed, or administered under the Conservation Act 1987, or under any enactment set out in Schedule 1 of that Act, as at 1 October 1991; and
 - (b) situated on any island in the area bounded by latitude 35°50'S and latitude 37°10'S, and longitude 177°E and longitude 174°35'E, other than the following islands in the Mercury Islands group:
 - (i) Red Mercury Island (Whakau):
 - (ii) Atiu or Middle Island:
 - (iii) Green Island:
 - (iv) Korapuki Island.
- 12 All Crown land—
- (a) held, as at 1 October 1991, under the Conservation Act 1987 or any enactment set out in Schedule 1 of that Act; and
 - (b) situated on the Coromandel Peninsula and lying north and north-west of State Highway 25A (Kopu–Hikuai road) and the road from Hikuai to Pauanui Beach known as the Hikuai Settlement Road.
- 13 The internal waters of the Coromandel Peninsula.
- 14 The following scenic reserves:
- (a) Kaikoura Island Scenic Reserve in Auckland City (*Gazette* 2004, p 3688):
 - (b) Rakitu Island Scenic Reserve (*Gazette* 1995, p 4265).

Schedule 3 New Schedule 5 inserted

[s 62](#)

Schedule 5 Thresholds for Tier 1 and Tier 2 activities

s 2B

Mineral type	Exploration permit		Mining permit	
	<i>Estimated total work programme expenditure threshold amount</i>	<i>Estimated annual royalty threshold amount</i>	<i>Estimated annual production threshold amount</i>	
Gold	\$1,250,000	\$50,000	—	
Silver	\$1,250,000	\$50,000	—	
Coal	\$1,250,000	—	200 000 tonnes	
Ironsand	\$1,250,000	—	500 000 tonnes	
Metallic mineral	\$1,250,000	—	500 000 tonnes of ore	
Platinum group metals	\$1,250,000	\$50,000	—	

In this schedule,—

metallic mineral does not include gold, silver, ironsand, or platinum group metals

platinum group metals means iridium, osmium, palladium, platinum, rhodium, and ruthenium.

Schedule 3: amended, on 21 May 2013, by [section 17\(1\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 3: amended, on 21 May 2013, by [section 17\(2\)](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 4

Consequential and minor amendments to principal Act

Section 2

In [section 2\(1\)](#), definition of **draft minerals programme**, replace “section 14” with “section 15”.

Section 9

In [section 9](#), after “Compliance with this Act”, insert “or the regulations”.

Section 24

In [section 24\(1\)](#), delete “relevant”.

Section 25A

In [section 25A\(1\) and \(2\)](#), replace “Secretary” with “chief executive”.

Section 26

In [section 26\(1\)](#), replace “the permit applied for by him or her” with “a permit”.

In [section 26\(3\)](#), replace “his or her” with “that”.

In [section 26\(4\)](#), replace “his or her” with “that”.

In [section 26\(1\) and \(5\)](#), replace “Secretary” with “chief executive”.

Section 29

In [section 29](#), replace “Chief Surveyor” with “Surveyor-General”.

In [section 29](#), replace “Secretary” with “chief executive”.

Section 30

In [section 30\(2\)](#), after “explore for the”, insert “Crown owned”.

In [section 30\(3\)](#), after “right to mine the”, insert “Crown owned”.

In [section 30\(5\)](#), replace “32(6)” with “32”.

In [section 30\(8\)](#), replace “a common” with “the same”.

Section 34

In [section 34](#), replace “Part” with “Act” in each place.

Section 36

In [section 36\(5B\) and \(5C\)](#), replace “Secretary” with “chief executive”.

Section 39

In [section 39\(8\)](#), replace “Secretary” with “chief executive”.

In [section 39\(8\)](#), replace “District Land Registrar” with “Registrar-General of Land”.

In [section 39\(9\)](#), replace “the commencement of the Crown Minerals Amendment Act 2003” with “21 August 2003”.

Section 40

In [section 40\(8\), \(9\), and \(10\)](#), replace “Secretary” with “chief executive”.

In [section 40\(9\)](#), replace “District Land Registrar” with “Registrar-General of Land”.

In [section 40\(9A\)](#), replace “the commencement of the Crown Minerals Amendment Act 2003” with “21 August 2003”.

Section 46

In [section 46\(4\)](#), delete “in that behalf”.

Section 55

In [section 55\(1\)](#), after “any agreement between”, delete “the”.

In [section 55\(2\)](#), after “agreed between”, delete “the”.

Section 62

In [section 62\(4\)\(b\)](#), replace “Part 2” with “Schedule 1.”

Section 64

In [section 64\(1\) and \(3\)](#), replace “Secretary” with “chief executive”.

Section 66

In [section 66\(1\) and \(2\)](#), replace “Secretary” with “chief executive”.

In [section 66\(3\)](#), replace “Secretary’s” with “chief executive’s”.

In [section 66\(5\)](#), delete “of Energy”.

Section 83

In [section 83\(1\) and \(3\)](#), replace “District Land Registrar” with “Registrar-General of Land”.

In [section 83\(1\)](#), delete “, in the prescribed form,”.

Section 84

In [section 84\(1\)](#), replace “District Land Registrar” with “Registrar-General of Land”.

In [section 84\(2\)](#), replace “the commencement of the Crown Minerals Amendment Act 2003” with “21 August 2003”.

Section 85

In [section 85\(1\)](#), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In [section 85\(2\)](#), replace “the commencement of the Crown Minerals Amendment Act 2003” with “21 August 2003”.

Section 86

In [section 86](#), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In [section 86\(4\)](#), replace “Chief Surveyor” with “Surveyor-General”.

Section 87

In [section 87](#), replace “District Land Registrar” with “Registrar-General of Land” in each place.

Section 88

In [section 88](#), replace “District Land Registrar” with “Registrar-General of Land”.

Section 89

In [section 89\(1\)](#), replace “District Land Registrar” with “Registrar-General of Land” in each place.

In [section 89\(2\)](#), replace “the commencement of the Crown Minerals Amendment Act 2003” with “21 August 2003”.

Section 91

In the heading to [section 91](#), replace “Secretary” with “Chief executive”.

In [section 91](#), replace “Secretary” with “chief executive” in each place.

In [section 91\(3\)](#), delete “by regulations”.

Section 91A

In [section 91A](#), replace “Secretary” with “chief executive”.

Section 95

In [section 95\(1\)](#), replace “Secretary” with “chief executive” in each place.

In [section 95\(2\)](#), after “section 96”, insert “of this Act”.

Section 97

In [section 97](#), replace “Secretary” with “chief executive” in each place.

Section 100

In [section 100\(4\)](#), replace “Secretary” with “chief executive”.

Section 105

In [section 105\(1\)\(gb\)](#), replace “Secretary” with “chief executive”.

Schedule 4: amended, on 21 May 2013, by [section 18](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Schedule 5

Consequential amendments to other Acts

Climate Change Response Act 2002 (2002 No 40)

In [section 4\(1\)](#), definition of **landowner**, paragraph (a), replace “section 2(2)” with “section 2A”.

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

In [section 22\(8\)\(a\)](#), replace “section 107” with “clause 12 of Schedule 1”.

In [section 161\(1\)\(b\)](#), replace “section 107” with “clause 12 of Schedule 1”.

In [section 162\(1\)\(b\)](#), replace “section 107” with “clause 12 of Schedule 1”.

In [section 166\(8\)\(a\)](#), replace “section 107” with “clause 12 of Schedule 1”.

Forestry Encouragement Act 1962 (1962 No 20)

In [section 2\(1\)](#), definition of **lease**, replace “Part 1” with “section 2(1)”.

Gas Act 1992 (1992 No 124)

In [section 3\(2\)\(a\)\(i\)](#), delete “Part 1 of”.

Income Tax Act 2007 (2007 No 97)

In [section CU 26\(1\)\(a\)\(iii\)](#), replace “section 106” with “section 2(1)”.

In [section CU 27\(2\)\(c\)](#), replace “section 106” with “section 2(1)”.

In [section IZ 3\(4\)\(b\)](#), replace “section 106” with “section 2(1)”.

In [section YA 1](#), definition of **existing privilege**, replace “section 106” with “section 2(1)”.

In [section YA 1](#), definition of **mining permit**, replace “section 106” with “section 2(1)”.

In [section YA 1](#), definition of **mining permit area**, paragraph (b), replace “section 106” with “section 2(1)”.

Legislation Act 2012 (2012 No 119)

In the [Schedule](#), repeal the item relating to the Crown Minerals Act 1991.

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

In [section 9\(1\)](#), definition of **privilege**, paragraph (a), replace “section 106” with “section 2(1)”.

Ngai Tahu (Pounamu Vesting) Act 1997 (1997 No 81)

In [section 2](#), definition of **existing privilege**, replace “section 106” with “section 2(1)”.

In [section 4\(1\)](#), delete “Part 2 of”.

Repeal [section 5](#).

Ngai Tāmanuhiri Claims Settlement Act 2012 (2012 No 55)

In [section 25\(1\)](#), replace “Secretary” with “chief executive”.

Property Law Act 2007 (2007 No 91)

In [section 325\(6\)\(c\)](#), delete “Part 1 of”.

In [section 330\(5\)\(c\)](#), delete “Part 1 of”.

In [section 339\(6\)\(c\)](#), delete “Part 1 of”.

Rating Valuations Act 1998 (1998 No 69)

In [section 2](#), definition of **minerals**, replace “Part 1” with “section 2(1)”.

Resource Management Act 1991 (1991 No 69)

In [section 387\(5\)](#), replace “Subsections (2) to (7) of section 108” with “Clause 15(2) to (6) of Schedule 1”.

Rongowhakaata Claims Settlement Act 2012 (2012 No 54)

In [section 28\(1\)](#), replace “Secretary” with “chief executive”.

Search and Surveillance Act 2012 (2012 No 24)

In the [Schedule](#), insert in its appropriate alphabetical order:

Crown Minerals Amendment Act 2013	99B	Enforcement officer authorised by Minister may inspect place or structure (other than dwellinghouse or marae) to determine whether permit, Crown Minerals Act 1991, or regulations made under that Act being complied with.	All (except sections 118 and 119)
	99C	Constable or enforcement officer authorised by Minister may obtain and execute search warrant to enter and search place or vehicle for evidence of offence against Crown Minerals Act 1991 or regulations made under that Act.	All (except sections 118 and 119 in the case of an enforcement officer)

[Soil Conservation and Rivers Control Act 1941](#) (1941 No 12)

In [section 20\(2\)](#), delete “Part 1 of”.

[Te Ture Whenua Maori Act 1993](#) (1993 No 4)

In [section 326D\(1\)](#), delete “Part 1 of”.

Schedule 5: amended, on 21 May 2013, by [section 19](#) of the Crown Minerals Amendment Act 2013 Amendment Act 2013 (2013 No 23).

Contents

- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

Notes

1 General

This is a reprint of the Crown Minerals Amendment Act 2013. The reprint incorporates all the amendments to the Act as at 24 May 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under [section 16D](#) of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by [section 17C](#) of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

[Section 17C](#) of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in [sections 17D](#) and [17E](#) of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by [section 17C](#) of the Acts and

Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of [section 17C](#) of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

[Crown Minerals Amendment Act 2013 Commencement Order 2013](#) (SR 2013/121)

[Crown Minerals Amendment Act 2013 Amendment Act 2013](#) (2013 No 23)