



# **Crown Minerals Amendment Act 2013 Amendment Act 2013**

Public Act 2013 No 23  
Date of assent 20 May 2013  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Crown Minerals Amendment Act 2013 Amendment Act 2013.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**  
This Act amends the Crown Minerals Amendment Act 2013 (the **principal Act**).

**Part 1**  
**Amendments concerning applications**  
**under public tender for conditional**  
**exploration permits**

**4 New section 20A inserted (Section 24 amended (Allocation by public tender))**

After section 20, insert:

**“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.’ ”

**5 Section 24 amended (New section 29A and cross-heading inserted)**

(1) In the heading to section 24 replace “**section 29A**” with “**sections 29A and 29B**”.

(2) In section 24, after new section 29A(4), insert:

“(5) This section is subject to section 29B.”

(3) In section 24, after new section 29A, insert:

**“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.”

**6 Section 43 amended (Sections 90 and 90A and cross-heading above section 90 replaced)**

In section 43, new section 90E(3)(a), after “29A(2)(d)”, insert “(whether obtained under section 24, 29A, or 29B)”.

## Part 2

### Other amendments

- 7 Section 9 amended (Section 2 amended (Interpretation))**
- (1) In section 9(1), definition of **existing privilege**, delete “that were in force at the close of 30 September 1991”.
- (2) In section 9(1), replace the definition of **underground gas storage facility** with:  
“**underground gas storage facility** means a natural reservoir into which petroleum is injected in a gaseous state for subsequent extraction”.
- 8 Section 12 amended (Section 5 replaced (Functions of Minister of Energy))**  
In section 12, new section 5(e), replace “reserves” with “resources”.
- 9 Section 26 amended (Section 33 replaced (Permit holder to comply with permit and this Act))**  
In section 26, after new section 33C(3), insert:  
“(4) The first report to be provided under subsection (1) must relate to the period of 12 months ending with 31 December 2014.”
- 10 Section 32 amended (Section 40 amended (Surrender of permit))**
- (1) Replace section 32(2) with:  
“(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.” ”
- (2) In section 32(4), new section 40(3), replace “becomes the property of the Minister” with “vests in the Crown”.

- 11 Section 33 amended (Section 41 replaced (Transfers and other dealings with permits))**  
In section 33, new section 41C(3)(b)(i), replace “have been met” with “have been, or are likely to be, met”.
- 12 Section 43 amended (Sections 90 and 90A and cross-heading above section 90 replaced)**
- (1) In section 43, new section 90A(1), replace “sections 23A, 24, 32, 35, 35A, 36, 41, 41A, 41B, 41C, 61B, 61C, 90, and 99F” with “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”.
  - (2) In section 43, heading to new section 90B, replace “reserves” with “resources”.
  - (3) In section 43, new section 90B(1), replace “reserves” with “resources”.
- 13 Section 52 amended (New sections 99A to 99M and cross-headings inserted)**
- (1) In section 52, new section 99B(1), replace “dwelling house” with “dwellinghouse”.
  - (2) In section 52, new section 99E(1)(a), replace “reserves” with “resources”.
- 14 Section 55 amended (New sections 101A to 101C inserted)**  
In section 55, new section 101A, replace the definition of **off-shore area** with:  
“**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”.
- 15 Section 58 amended (New sections 105A to 105D inserted)**  
In section 58, new section 105D(6), replace “105C(1)” with “105C(1)(a)”.
- 16 Schedule 1 amended**
- (1) In Schedule 1, new Schedule 1, replace the Part 1 heading with:

**“Part 1****“Provisions relating to Crown Minerals  
Amendment Act 2013”.**

- (2) In Schedule 1, new Schedule 1, replace clause 7 with:
- “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.”
- (3) In Schedule 1, new Schedule 1, after clause 12(4), insert:
- “(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.”
- (4) In Schedule 1, new Schedule 1, replace clause 13(3) with:
- “(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.”
- (5) In Schedule 1, new Schedule 1, clause 14(1), replace “33A and 33B” with “33A, 33B, 90D, and 90E”.
- (6) In Schedule 1, new Schedule 1, after clause 18(1)(b), insert:

“(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.”

**17 Schedule 3 amended**

(1) In Schedule 3, new Schedule 5, after the item relating to metallic mineral, insert:

Platinum group metals    \$1,250,000    \$50,000    –

(2) In Schedule 3, new Schedule 5, after the table, insert:

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.”

**18 Schedule 4 amended**

In Schedule 4, item relating to section 40, replace “40(2), (8), (9), and (10)” with “40(8), (9), and (10)”.

**19 Schedule 5 amended**

In Schedule 5, item relating to the Search and Surveillance Act 2012 (2012 No 24), replace “dwelling house” with “dwellinghouse”.

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**Legislative history**

16 May 2013	Introduction (Bill 115–1), first reading, second reading, committee of the whole House, third reading
20 May 2013	Royal assent

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

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