



Crown Minerals (Petroleum) Amendment Act 2018

Public Act 2018 No 49
Date of assent 12 November 2018
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crown Minerals (Petroleum) Amendment Act 2018.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

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

Part 1

Substantive provisions

4 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

onshore Taranaki region means the Taranaki Region as constituted by clause 4 of the Local Government (Taranaki Region) Reorganisation Order 1989, but excludes any part of that region that is offshore

5 Section 23A amended (Application for permits)

In section 23A, insert as subsection (2):

- (2) However,—
- (a) a person may not apply under this section for an exploration permit for petroleum (but *see* section 24(1) and (5A));
 - (b) a person may apply under this section for a prospecting permit for petroleum, or a mining permit for petroleum, in respect of any land in the onshore Taranaki region only;
 - (c) the chief executive must not accept an application for a permit for petroleum in respect of any land outside the onshore Taranaki region;
 - (d) this subsection applies despite anything to the contrary in this Act (including sections 1A, 25(1)(b)(i), and 32).

6 Section 24 amended (Allocation by public tender)

After section 24(5), insert:

- (5A) The following provisions apply to offers of permits for petroleum under subsection (1):
- (a) an offer may be made in respect of any land in the onshore Taranaki region only;
 - (b) the Minister must not accept a tender for a permit for petroleum in respect of any land outside the onshore Taranaki region;
 - (c) a person may submit a tender for a permit for petroleum only in accordance with an offer (if any) made in accordance with this section:

(d) this subsection applies despite anything to the contrary in this Act (including section 1A).

7 Section 25 amended (Grant of permit)

After section 25(2), insert:

(2A) The Minister must not grant a permit for petroleum in respect of any land outside the onshore Taranaki region (despite anything to the contrary in this Act (including section 1A)).

8 Section 36 amended (Change to permit)

After section 36(2), insert:

(2A) However, the land to which a permit for petroleum relates cannot be extended to include any land outside the onshore Taranaki region.

9 New section 50A inserted (Restricted access to Taranaki conservation land)

After section 50, insert:

50A Restricted access to Taranaki conservation land

- (1) No permit holder (or employee, agent, or contractor of a permit holder) may enter Taranaki conservation land for a purpose in connection with a permit for petroleum other than as set out in sections 49 and 50 (carrying out a minimum impact activity).
- (2) Subsection (1) applies despite anything to the contrary in this Act (including sections 1A and 53 to 80).
- (3) However, this section does not prevent prospecting, exploration, or mining carried out below the surface of Taranaki conservation land in accordance with section 57.
- (4) In this section, **Taranaki conservation land** means land in the onshore Taranaki region that is held or managed—
 - (a) under the Conservation Act 1987; or
 - (b) under an Act listed in Schedule 1 of that Act.

Part 2 Further provisions

10 Schedule 1 amended

In Schedule 1, after clause 21, insert the Part 2 set out in the Schedule of this Act.

Schedule
New Part 2 inserted into Schedule 1

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Part 2
Provisions relating to Crown Minerals (Petroleum) Amendment Act 2018

22 Interpretation

In Part 2 of this schedule,—

Amendment Act means the Crown Minerals (Petroleum) Amendment Act 2018

application means—

- (a) an application for a permit for petroleum lodged by a person under section 23A:
- (b) a tender for a permit for petroleum submitted in response to a public tender process under section 24

existing permit means a permit for petroleum that exists immediately before the commencement of the Amendment Act.

Subpart 1—Existing permits, subsequent permits, and existing applications for permits for petroleum

23 Existing permits unaffected

- (1) This Act (including sections 32, 36, 39, and 40) continues to apply to existing permits as if the Amendment Act had not been enacted.
- (2) Existing permits (including any conditions to which the permits are subject immediately before the commencement of the Amendment Act) continue to have effect according to their terms (unless and until those conditions are amended, or those terms are changed, in accordance with this Act as if the Amendment Act had not been enacted).

24 Applications for subsequent permits unaffected

- (1) This Act (including sections 23A, 25, and 32) applies to the following applications for a subsequent permit as if the Amendment Act had not been enacted:
 - (a) an application for a subsequent permit for petroleum in exchange for an existing permit:
 - (b) an application for a subsequent permit for petroleum in exchange for a subsequent permit referred to in paragraph (a).

- (2) Subclause (1) applies to applications for a subsequent permit lodged before or after the commencement of the Amendment Act.
- (3) Clause 26 does not apply to those applications.

25 Subsequent permits unaffected

- (1) This Act (including sections 32, 36, 39, and 40) applies to the following subsequent permits as if the Amendment Act had not been enacted:
 - (a) a subsequent permit for petroleum that is granted in exchange for an existing permit:
 - (b) a subsequent permit for petroleum that is granted in exchange for a subsequent permit referred to in paragraph (a).
- (2) Subclause (1) applies to subsequent permits granted before or after the commencement of the Amendment Act.

26 Existing applications for permits for petroleum determined in accordance with Act as amended

- (1) Any application that was lodged or submitted, but not determined, before the commencement of the Amendment Act—
 - (a) is treated as having been withdrawn; and
 - (b) is treated as having been re-lodged or re-submitted (but only if, and to the extent that, the application is in respect of land in the onshore Taranaki region) immediately after the commencement of the Amendment Act; and
 - (c) must be determined in accordance with this Act as in force immediately after the commencement of the Amendment Act.
- (2) Subclause (1) applies despite anything to the contrary in this Act.

Subpart 2—Other matters unaffected

27 Existing privileges unaffected

- (1) The Amendment Act does not affect existing privileges (*see* section 2).
- (2) This Act continues to have effect for the purpose of subclause (1) as if it had not been amended by the Amendment Act.

28 Specified proceedings unaffected

The proceedings in the High Court between Greymouth Gas Turangi Limited and the Minister of Energy and Resources (CIV 2018-485-237) may be continued, heard, and determined, or settled, as if the Amendment Act (other than this clause) had not been enacted.

Subpart 3—Changes to minerals programme

29 Changes to minerals programme

Nothing in sections 17 and 18 applies to a change to a minerals programme if the change inserts information into the programme to explain the effect of the amendments made to this Act by the Amendment Act.

Legislative history

24 September 2018	Introduction (Bill 105–1)
26 September 2018	First reading and referral to Environment Committee
29 October 2018	Reported from Environment Committee (Bill 105–2)
1 November 2018	Second reading
6 November 2018	Committee of the whole House
7 November 2018	Third reading
12 November 2018	Royal assent

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