

Amendment to Crown Minerals legislation

The Crown Minerals Amendment Act 2023 (Amendment Act) came into force on 31 August 2023, amending the Crown Minerals Act 1991 (CMA).

Overview

The CMA sets out how the Government allocates rights (permits) to explore and mine Crown-owned minerals for New Zealand's benefit. The Amendment Act reflects the period of transition the industry has faced over the last few years to align the CMA with wider Government policy objectives. Notable changes in the Amendment Act include changes to the purpose and engagement requirements with iwi and hapu.

Changes to purpose

Notably, the Amendment Act shifts the purpose of the CMA from the promotion of mining on Crown Land to focus on the management of mining activities. This means the Government no longer has to actively promote mining opportunities on Crown land.

Minister of Energy and Resources, Dr Megan Woods, noted that until the Amendment Act, the Government had been legally required to actively promote exploration of fossil fuels.

The Amendment Act also alters the function of the Minister of Energy and Resources (Minister). The Minister may offer permits from time to time but is no longer required to attract permit applications for land to be mined.

Changes to engagement with Iwi and Hapu

The majority of the Amendment Act changes came into force on 31 August 2023. However, Section 11, regarding the Minister's functions when considering how applicants must engage with iwi and hapu, will come into force on 1 April 2024.

Under the Amendment Act, before granting a permit, the Minister must have regard to feedback from iwi and hapu if:

- the applicant is a previous or current permit holder or a previous or existing privilege holder; and
- the applicant, in their capacity as a previous or current permit holder or a previous or existing privilege holder, is or was required to submit iwi engagement reports under the CMA; and
- the applicant is applying for a permit for which an iwi engagement report is required under the CMA.

The feedback is provided in engagement reports and from annual review meetings with iwi and hapu involvement. Consideration is given to the quality of the applicant's previous iwi and hapu engagement as a permit or privilege holder.

Consideration is also given to other feedback from the iwi or hapu regarding the applicant's previous engagement generally. This means an applicant's engagement with iwi or hapu through other community or business matters may be considered relevant.

The annual iwi engagement reports must:

- be provided to all relevant iwi or hapu whose rohe includes some or all of the permit area or who otherwise may be affected by the permit
- allow iwi and hapu a reasonable opportunity or prescribed period to comment on any draft report
- meet the minimum required content as prescribed
- include any comments from iwi or hapu provided in the draft stage

A review meeting should be held once a year. The review meeting is to discuss the iwi engagement report,

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or draft report. Relevant and affected iwi and hapu must be invited to attend and discuss the report.

Changes to transfer provisions

The Amendment Act also amends the provisions for transferring a permit, or transferring control of a permit operator. These amendments require the transferee to establish they are highly likely to comply with, and give effect to, the conditions of the consent, as well as meet the other relevant obligations in the CMA. Other relevant obligations focus on the decommissioning of petroleum infrastructure and wells.

Want to know more?

If you have any questions about the Amendment Act or implementation please contact our specialist [Environment Planning and Natural Resources Team](#).