



COVERSHEET

Minister	Hon Dr Megan Woods	Portfolio	Energy and Resources
Title of Cabinet paper	Crown Minerals Amendment Act 2019 and Crown Minerals (Petroleum) Amendment Act 2018: Consequential changes to regulations and programmes	Date to be published	21 May 2021

List of documents that have been proactively released

Date	Title	Author
April 2021	Crown Minerals Amendment Act 2019 and Crown Minerals (Petroleum) Amendment Act 2018: Consequential changes to regulations and programmes	Office of the Minister of the Minister of Energy and Resources
7 April 2021	Crown Minerals Amendment Act 2019 and Crown Minerals (Petroleum) Amendment Act 2018: Consequential changes to regulations and programmes DEV-21-MIN-0059	Cabinet Office

Information redacted

YES/NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.



Cabinet Economic Development Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Crown Minerals Amendment Act 2019 and Crown Minerals (Petroleum) Amendment Act 2018: Consequential Changes to Regulations and Programmes

Portfolio **Energy and Resources**

On 7 April 2021, the Cabinet Economic Development Committee:

Proposed amendments to regulations

- 1 **noted** that the Crown Minerals Act 1991 (the CMA) was amended through the Crown Minerals Amendment Act 2019 (the Amendment Act);
- 2 **noted** that to implement the Amendment Act, minor and technical amendments are required to following regulations (the Regulations):
 - 2.1 Crown Minerals (Petroleum Fees) Regulations 2016;
 - 2.2 Crown Minerals (Minerals Fees) Regulations 2016;
 - 2.3 Crown Minerals (Petroleum) Regulations 2007;
 - 2.4 Crown Minerals (Minerals other than Petroleum) Regulations 2007;
- 3 **noted** that the Ministry of Business, Innovation and Employment cannot currently charge for applications for a change of control of a permit operator of a Tier 1 permit;
- 4 **agreed** to introduce a new type of application for changes of control of a permit operator of a Tier 1 petroleum permit (Change of Control for a Petroleum Permit) and to set a fee for that application of \$3,000 (GST inclusive);
- 5 **agreed** to introduce a new type of application for changes of control of a permit operator of a Tier 1 minerals permit (Change of Control for a Minerals Permit), and to set a fee for that application of \$2,200 (GST inclusive);
- 6 **agreed** to:
 - 6.1 require applicants for a Change of Control for a Petroleum Permit and a Change of Control for a Minerals Permit to provide the same information as required for similar applications, such as applications under section 41 of the CMA for consent to a transfer of interest in a permit;

- 6.2 provide the information required under section 41AC of the CMA, such as information about the permit holder's financial capability, technical capability and health and safety capability after the change of control;
- 7 **agreed** to require applications for change of control of permit operators of a Tier 1 permit to be in the form prescribed by the Chief Executive, signed by the permit holder or permit participant, and accompanied by the fee or evidence of it being paid;
- 8 **invited** the Minister of Energy and Resources to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 9 **authorised** the Minister of Energy and Resources to make decisions on minor and technical matters that may arise during the drafting process;

Proposed amendments to programmes

- 10 **noted** that minor and technical amendments to the minerals programmes are required to ensure consistency with the Amendment Act;
- 11 **noted** that the Amendment Act enabled consequential amendments to the Minerals Programme for Petroleum 2013 (the Petroleum Programme) and the Minerals Programme for Minerals (Excluding Petroleum) 2013 (the Minerals Programme) without complying with the public notice and submission process that would otherwise apply;
- 12 **noted** that the Minister of Energy and Resources intends to recommend making consequential changes to the Petroleum Programme and the Minerals Programme to ensure their consistency with the CMA following the enactment of the Amendment Act;
- 13 **noted** that the Minister of Energy and Resources intends to advise the Ministry of Business, Innovation and Employment to draft the necessary changes to the Petroleum Programme and the Minerals Programme;
- 14 **noted** that the CMA was also earlier amended through the Crown Minerals (Petroleum) Amendment Act 2018 (the Petroleum Amendment Act);
- 15 **noted** that minor technical amendments to the Petroleum Programme and the Minerals Programme are required to explain the effects of the Petroleum Amendment Act;
- 16 **noted** that the Petroleum Amendment Act enabled information to be inserted into the Petroleum Programme and the Minerals Programme to explain the effects of the amendments without complying with the public notice and submission process that would otherwise apply;
- 17 **noted** that the Minister of Energy and Resources intends to recommend inserting information into Chapters 3, 6, 7, 8, 10 and 12.4 of the Petroleum Programme to include overarching statements to explain the effect of the Petroleum Amendment Act;
- 18 **noted** that the Minister of Energy and Resources intends to recommend inserting information into Chapter 12.2 of the Minerals Programme to include an overarching statement to explain the effect of the Petroleum Amendment Act;
- 19 **noted** that the Minister of Energy and Resources intends to advise the Ministry of Business, Innovation and Employment to draft the necessary changes to the Petroleum Programme and the Minerals Programme;

Legislative implications

- 20 **noted** that the Minister of Energy and Resources intends to submit a paper to the Cabinet Legislation Committee later in 2021 seeking authorisation to submit the Regulations and the Petroleum Programme and Minerals Programme changes to the Executive Council.

Gerrard Carter
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Dr Megan Woods (Deputy Chair)
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Damien O'Connor
Hon Stuart Nash
Hon Kris Faafoi
Hon Willie Jackson
Hon Michael Wood
Hon Dr David Clark
Hon Phil Twyford
Rino Tirikatene, MP
Deborah Russell, MP

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for DEV