



BRIEFING

Engagement plan for the Petroleum and Minerals Resource Strategy and the tranche two review of the Crown Minerals Act 1991

Date:	28 February 2019	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2147 18-19

Action sought		
	Action sought	Deadline
Hon Dr Megan Woods Minister of Energy and Resources	<p>Note early engagement with iwi in Taranaki commenced on 25 February 2018.</p> <p>Agree to the proposed approach for early engagement with Crown Treaty partners on the Resource Strategy and the tranche two review of the CMA.</p> <p>Agree to the proposed approach for engagement with stakeholders on the Resource Strategy and the tranche two review of the CMA.</p> <p>Agree to forward this briefing to the Minister for Māori Crown Relations – Te Arawhiti.</p>	8 March 2019

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Sarah Stevenson	Manager, Resources Markets Policy	Privacy of natural persons	✓
Marissa Quinn	Policy Advisor		

The following departments/agencies have been consulted
None.

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

Engagement plan for the Petroleum and Minerals Resource Strategy and the tranche two review of the Crown Minerals Act 1991

Date:	28 February 2019	Priority:	Medium
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Purpose

To seek your agreement on our high level engagement plan with our Treaty partner, and other stakeholders, on the Petroleum and Minerals Resource Strategy ("Resource Strategy") and tranche two review of the Crown Minerals Act 1991 (CMA).

Executive Summary

You have stated publicly that there would be opportunities for public consultation during the tranche two review of the CMA (tranche two review) and that the Resource Strategy would allow for targeted engagement with iwi and other stakeholders, including industry groups and environmental groups. We have proposed a plan in this briefing which meets your public consultation objectives and objectives around early engagement with our Treaty partner.

Engaging with iwi: The Crown has obligations to engage early with its Treaty partner to seek their views and perspectives to inform policy development. Engaging first with our Treaty partner is in line with best practice and is something we have already initiated following your public announcement of the Resource Strategy at the BusinessNZ Energy Council.

We have devised a four phase approach for early engagement with our Treaty partner on both the Resource Strategy and the tranche two review discussion document. After each phase of engagement we will provide you with a briefing summarising the feedback and implications for both the Resource Strategy and the tranche two review.

Phase one (late February – late March 2019)*	Phase two (April – July 2019)*	Phase three (August 2019)*	Phase four (October – November 2019)*
Early engagement with our Treaty partner to seek their views and perspectives to inform the development of the Resource Strategy and the tranche two review discussion document.	Targeted and more detailed engagement with specific iwi groups with a stronger interest during the development of the Resource Strategy and the tranche two review discussion document.	Resource Strategy released 31 July (one month public consultation period) Broader consultation with Māori on the Resource Strategy as part of the public consultation processes.	Tranche two review discussion document released 31 September (two month consultation period). Broader consultation with Māori on the tranche two review discussion document as part of the public consultation processes.

*dates are indicative only

Engaging with key stakeholders: In addition to engaging with iwi, we are also proposing to engage with key stakeholder groups (i.e. councils, environmental groups, industry etc.), noting that key stakeholder buy-in will be essential for the effectiveness of the Resource Strategy. We will also be using the engagement on the Resource Strategy to inform the issues that we may need to consider for the tranche two review and test our initial thinking.

We will not be consulting on the tranche two review discussion document during its development because we have already allowed for a two month public consultation timeframe for that to occur.

We have devised a four phase approach for engagement with stakeholders on both the Resource Strategy and tranche two review discussion document. After each phase of engagement we will provide you with a briefing summarising the feedback and implications for both the Resource Strategy and the tranche two review.

Phase one (mid-March / April 2019)*	Phase two (May - July 2019)*	Phase three (August 2019)*	Phase four (October –November 2019)*
<p>Initial engagement with key stakeholders on the vision, principles and objectives of the Resource Strategy.</p> <p>We may use a draft overview of the Resource Strategy to facilitate discussion.</p> <p>Discussions on the Resource Strategy will inform the tranche two review discussion document, in particular the issues with the CMA.</p>	<p>Further engagement with a wider range of key stakeholders to further develop and test the Resource Strategy.</p>	<p>Resource Strategy released 31 July (one month public consultation period).</p> <p>Broader engagement with key stakeholders and the wider public on the Resource Strategy as part of the public consultation process.</p>	<p>Tranche two review discussion document released 31 September (two month consultation period).</p> <p>Broader engagement with key stakeholders and the wider public on the tranche two review discussion document as part of the public consultation process.</p>

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Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** early engagement with iwi in Taranaki commenced on 25 February 2018. *Noted*
- b **Note** your possible trips to Taranaki on 15 and 20 March could provide a platform for you to engage with iwi on the Resource Strategy and the tranche two review of the CMA. *Noted*
- c **Note** after each phase of engagement, we will provide you with a briefing summarising the feedback and implications for the Resource Strategy and tranche two review. *Noted*
- d **Agree** to the proposed approach for early engagement with Crown Treaty partners on the Resource Strategy and the tranche two review of the CMA. *Agree / Disagree / Discuss*
- e **Agree** to the proposed approach for engagement with stakeholders on the Resource Strategy and the tranche two review of the CMA. *Agree / Disagree / Discuss*
- f **Agree** to forward this briefing to the Minister for Māori Crown Relations – Te Arawhiti. *Agree / Disagree*



Vanessa Head
Acting Manager, Resources Markets Policy
Building, Resources and Markets, MBIE

28 / 2 / 19

Hon Dr Megan Woods
Minister of Energy and Resources

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Background

1. The tranche two review of the Crown Minerals Act 1991 (CMA) is currently underway. On 2 July 2018, Cabinet agreed that the tranche two review of the CMA (tranche two review) would include consultation with stakeholders¹. You have also previously stated publicly that the tranche two review would include opportunities for public consultation.
2. You previously agreed to the development of a Petroleum and Minerals Resource Strategy to underpin the tranche two review (briefing 1834 18-19 refers). The proposed approach for developing the Resource Strategy would fulfil your public consultation objectives by allowing for targeted engagement with iwi partners and other stakeholders, including environmental groups and industry, on how New Zealand can sustainably derive value from its resources.
3. You announced the development of the Resource Strategy to a BusinessNZ Energy Council audience on 20 February 2019. You informed the audience that the scope and timing is still being developed, but that you anticipate the Resource Strategy will be delivered before the proposed release date of the tranche two review discussion document, in the second half of the year. You also informed the audience that the Resource Strategy will provide stability and certainty for the minerals and petroleum sectors and there will be opportunities for targeted engagement with iwi partners and other stakeholders, including environmental groups and industry, as part of the process.
4. Officials provided you a revised draft overview of the Resource Strategy to support your early engagement with relevant Ministers (briefing 2576 18-19 refers). You agreed to engage with relevant Ministers on the Resource Strategy and to forward the briefing to the Minister of Conservation and the Minister for Regional Economic Development.
5. Officials also recently provided you with the proposed scope, principles and outcomes of the tranche two review (briefing 2285 18-19 refers). This also included an initial list of issues that could be explored further for possible inclusion in the tranche two review. You agreed to the proposals and agreed to send the summary document of the proposed scope, principles and outcomes to your Ministerial colleagues. Some of the information on the scope and principles etc. could also be used to inform early engagement on the tranche two review with iwi partners and other stakeholders.

Early engagement with the Crown's Treaty partner

We have commenced early engagement with the Crown's Treaty partner

6. The Crown has obligations to engage early with its Treaty partner to seek their views and perspectives to inform policy development. Early engagement also has the potential to further Māori/Crown relationships by involving our Treaty partner early and ensuring their perspectives and interests are considered and incorporated where appropriate.
7. Engaging first with our Treaty partner is in line with best practice (in line with previous advice from Te Arawhiti) and something we have already initiated following your public announcement of the Resource Strategy at the BusinessNZ Energy Council. We met with iwi in the Taranaki region (a pre-planned trip) in the week starting 25 February 2019. We organised the trip last year to broaden MBIE's relationships with iwi in Taranaki, meet our Treaty settlement obligations and provide support for the Block Offer submission process. This trip presented an ideal opportunity to commence early face-to-face engagement with our Treaty partner.

¹ Cabinet Minute CAB-18-MIN-0306.01.

We have engaged on both the Resource Strategy and tranche two review of the CMA

8. Noting the resource pressures on our Treaty partner to engage with us, in line with best practice, we have engaged on both the Resource Strategy and the tranche two review. This approach aligns with our earlier advice around using the engagement on the Resource Strategy to tease out the potential issues with the CMA for the tranche two review and to demonstrate the relationship between the two projects.
9. In line with best practice, we have devised the following initial four phase approach:

High level engagement plan

Phase one (late February – late March 2019)*	Phase two (April – July 2019)*	Phase three (August 2019)*	Phase four (October – November 2019)*
Early engagement with our Treaty partner to seek their views and perspectives to inform the development of the Resource Strategy and the tranche two review discussion document.	Targeted and more detailed engagement with specific iwi groups with a stronger interest during the development of the Resource Strategy and the tranche two review discussion document.	Resource Strategy released 31 July (one month public consultation period) Broader consultation with Māori on the Resource Strategy as part of the public consultation processes.	Tranche two review discussion document released 31 September (two month consultation period). Broader consultation with Māori on the tranche two review discussion document as part of the public consultation processes.

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10. After each phase of engagement we will provide you with a briefing summarising the feedback and implications for both the Resource Strategy and the tranche two review.

Phase one – early engagement with our Treaty partner

11. A stepped, fit for purpose engagement approach is proposed that covers the Crowns Treaty obligations with all iwi. Face-to-face engagement will occur with iwi which are likely to be more heavily affected.
 - a) Officials will explore to meet with iwi of Taranaki and Ngāi Tahu face-to-face as these are the iwi groups we consider most affected by mining or petroleum activities. As mentioned in paragraphs 6-7, face-to-face engagement with iwi in Taranaki has commenced. Officials are looking to set up a face-to-face meeting with Ngāi Tahu to occur during the month of March – if that suited the iwi.
 - b) Officials will phone and follow up with an email with all remaining iwi that have early engagement type obligations in their Treaty settlement agreements. This will include all upper south island iwi and the river Accord iwi (Tainui, Maniapoto, Te Arawa River Iwi Trust and Raukawa).
 - c) Officials will send an email and invite feedback from all remaining iwi.
12. Early engagement with our Treaty partners is proposed to occur from late February to late March, but may extend beyond that depending on the availability of certain iwi.

Phase two - targeted engagement with iwi groups during the development of the Resource Strategy and the tranche two discussion document

13. We intend to target our engagement with iwi to specific iwi groups with a stronger interest during the development of the Resource Strategy and the tranche two review discussion document.

Phase three – broader consultation with Māori as part of the wider Resource Strategy public consultation process

14. The Resource Strategy is currently due to go out for public consultation on 31 July 2019 for a one month period. This process will allow for broader consultation with Māori on the Resource Strategy.

Phase four – broader consultation with Māori as part of the wider tranche two review discussion document public consultation process

15. The tranche two review discussion document is currently due to go out for public consultation on 31 September 2019 for a two month period. This process will allow for broader consultation with Māori on issues raised in the discussion document.

You may want to engage with iwi directly during your possible visit to Taranaki

16. Officials are aware that you are looking to visit Taranaki on 15 March to accompany the Prime Minister for the H2 Taranaki Roadmap launch and/or on 20 March as a guest speaker at a Roadmap community event at Puke Ariki. These visits could provide a platform for you to engage with iwi on the Resource Strategy and the tranche two review. At your request, officials can provide you with material at a later date to support your engagement with iwi on these matters.
17. Ngā Rauru Kītahi of southern Taranaki has informed us that the Iwi Chairs' Forum is meeting in early May. They consider this meeting could provide an opportunity for officials to engage with Māori leaders on the Resource Strategy and the tranche two review. The Iwi Chairs' Forum meet four times a year and the main purpose is to share information pertinent to the development of iwi and Māori in general.

Engagement with stakeholders

18. You have stated publicly that there would be opportunities for public consultation during the tranche two review and that the Resource Strategy would allow for targeted engagement with iwi and other stakeholders, including industry groups and environmental groups.
19. We have proposed a high level plan for engagement with stakeholders during the tranche two review and the development of the Resource Strategy which meets your public consultation objectives.
20. Officials propose that the key stakeholder groups engaged with throughout the development of the Resource Strategy and the tranche two review include:
 - Councils
 - Environmental groups
 - Industry
 - Iwi
21. The Resource Strategy will be developed in conjunction with key stakeholders, noting that key stakeholder buy-in will be essential for its effectiveness.
22. We will use the engagement on the Resource Strategy to inform the issues that we may need to consider for the tranche two review and test our initial thinking.

23. Officials have devised the following initial four phased approach to engagement with stakeholders.

High level engagement plan

Phase one (mid-March / April 2019)*	Phase two (May - July 2019)*	Phase three (August 2019)*	Phase four (October – November 2019)*
<p>Initial engagement with key stakeholders on the vision, principles and objectives of the Resource Strategy.</p> <p>We may use a draft overview of the Resource Strategy to facilitate discussion.</p> <p>Discussions on the Resource Strategy will inform the tranche two review discussion document, in particular the issues with the CMA.</p>	<p>Further engagement with a wider range of key stakeholders to further develop and test the Resource Strategy.</p>	<p>Resource Strategy released 31 July (one month public consultation period).</p> <p>Broader engagement with key stakeholders and the wider public on the Resource Strategy as part of the public consultation processes.</p>	<p>Tranche two review discussion document released 31 September (two month consultation period).</p> <p>Broader engagement with key stakeholders and the wider public on tranche two review discussion document as part of the public consultation processes.</p>

*dates are indicative only

24. After each phase of engagement we will provide you with a briefing summarising the feedback and implications for both the Resource Strategy and the tranche two review.

Phase one - Initial engagement with key stakeholders

25. Initial engagement will be undertaken with key stakeholders on the vision, principles and objectives of the Resource Strategy.
26. We may use a draft overview of the Resource Strategy to facilitate discussion.
27. Discussions on the Resource Strategy will inform the tranche two review discussion document, in particular the issues with the CMA.
28. Initial engagement with key stakeholders will include face-to-face meetings, workshops or correspondence by email or a combination of methods.
29. Feedback during this phase will be incorporated as appropriate into the draft resource strategy and the tranche two discussion document.

Phase two - further engagement with a wider range of key stakeholders

30. Further engagement with a wider range of key stakeholders will be undertaken to further develop and test the Resource Strategy.
31. Engagement during this phase will include face-to-face meetings, workshops or correspondence by email or a combination of methods.

32. The tranche two review discussion document will not be consulted on directly throughout its development, but targeted stakeholder consultation could occur on particular issues e.g. to fact check.
33. Feedback during this phase will be incorporated as appropriate into the draft Resource Strategy and the tranche two review discussion document.

Phase three - broader engagement as part of the Resource Strategy public consultation process.

34. The draft Resource Strategy is currently proposed to be released for public consultation on 31 July 2019 for a one month period.
35. We consider that undertaking public consultation as part of the development of the Resource Strategy is valuable and will help deliver a strategy that is useful, supported by end users and is fit for purpose.
36. Public consultation allows us to reach a wider range of stakeholders, and the public in general, who may not have been included earlier in the engagement process. This allows them the opportunity to contribute to the Resource Strategy.
37. Engagement activities such as workshops could be held during the consultation period to allow for more detailed feedback. Any engagement activities conducted during this phase will be targeted for roughly the middle of the consultation period. This allows the Resource Strategy to be digested prior to workshops, and then following the engagements, provides enough time to form submissions.

Phase four - broader engagement as part of the tranche two discussion document public consultation process.

38. The tranche two discussion document is currently due to go out for public consultation on 31 September 2019 for a two month period
39. Public consultation on the tranche two discussion document will aid in producing well understood and widely accepted amendments to the CMA.
40. Public consultation allows us to reach a wider range of stakeholders and the public in general who may not have been included earlier in the engagement process. This allows them the opportunity to contribute to the tranche two discussion document.
41. Engagement activities such as workshops could be held during the consultation period to allow for more detailed feedback. Any engagement activities conducted during this phase will be targeted for roughly the middle of the consultation period. This allows the discussion document to be digested prior to workshops, and then following the engagements, provides enough time to form submissions.

Next steps

42. Given existing timeframes, we will continue to work on the Resource Strategy while we await further direction and feedback following your engagement with relevant Ministers.
43. We will continue work on analysing the issues we have raised with you so far for potential inclusion in the tranche two discussion document.
44. Subject to your agreement to our proposed approach to early engagement with our Treaty partner, and engagement with other stakeholders, we will continue early engagement with our Treaty partner and commence engagement with other key stakeholders on the Resources Strategy and the tranche two review.