



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

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# NICMA 2020 National Plan

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TO MANAGE INTERFERENCE WITH PERMITTED OFFSHORE  
PETROLEUM AND MINERALS ACTIVITIES

September 2020

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**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

## Ministry of Business, Innovation and Employment (MBIE)

### Hikina Whakatutuki - Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

MBIE combines the former Ministries of Economic Development, Science + Innovation, and the Departments of Labour, and Building and Housing.

### More information

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# Introduction

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The Ministry of Business, Innovation and Employment (MBIE) is responsible for administering the Crown Minerals Act 1991 (the CMA). With support from partner agencies, MBIE has developed this **2020 National Plan** (the Plan), which frames how we give effect to the non-interference provisions in the CMA.

The implementation and operationalising of this Plan is known as '**Non-Interference under the CMA**' or '**NICMA**'.

A key objective of the Government is to make sure that permitted offshore petroleum and minerals activities can be done safely, without interference and unnecessary or additional risks to people (those involved in operations or otherwise) and the environment.<sup>1</sup>

This Plan outlines:

- › the context for petroleum and minerals exploration in New Zealand;
- › the governance structure and inter-agency arrangements in place to ensure MBIE and partner agencies effectively administer and proportionately enforce the CMA in response to interference with permitted offshore petroleum and minerals prospecting, exploration or mining activities (permitted activities);
- › the risk management framework within which MBIE and partner agencies operate in giving effect to the non-interference provisions of the CMA; and
- › the process for review of this Plan and its implementation.

This Plan significantly refreshes the approach to planning and response that has been in place since the 2013-2014 exploration season. It reflects changes in our strategic operating environment and how we meet our regulatory responsibilities, including in response to the 2018 State Services Commission Inquiry into the use of external security consultants, by Doug Martin and Simon Mount QC, and the 2019 External Review into how the non-interference provisions of the Crown Minerals Act are effected, by Simon Murdoch.

Specific revisions to this Plan include:

- › an enhanced governance structure, changes to lead-agency roles, and clearer system oversight
- › simplified 'reactive process' for response planning and preparation this season
- › refreshed approach to enacting a proportionate response
- › a new risk framework has been developed and embedded
- › refreshed knowledge and information management function.

This Plan has been reviewed and endorsed by the all-of-government Maritime Security Oversight Committee (MSOC). It sits alongside other national plans as part of New Zealand's national security system.<sup>2</sup> This ensures its risk management approach is balanced, appropriate and moderated in line with broader strategic priorities of the national maritime security system.<sup>3</sup>

This Plan will be reviewed annually and published on the MBIE website ([www.mbie.govt.nz](http://www.mbie.govt.nz)).

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<sup>1</sup> MBIE Discussion Document – Review of the Crown Minerals Act 1991, November 2019, pp30-31.

<sup>2</sup> These various plans and documents are referenced in the Department of Prime Minister and Cabinet's 2016 *National Security System Handbook*.

<sup>3</sup> These broader strategic priorities are set out in the 2019 Maritime Security Strategy: *Guardianship of Aotearoa New Zealand's Maritime Waters/ Te Kaitiakitanga o Tangaroa*.

The government is undertaking a review of the CMA to ensure that it is fit for purpose for years to come. In November 2019, we published a discussion document which sought views on a range of proposals, one of which was whether the current non-interference zone (NIZ) provisions reasonably balance the rights, interests and activities of relevant parties. The CMA Review is ongoing, and is separate to the work carried out in development of the Plan as outlined in this document.

Primary users of this Plan are government officials involved in New Zealand's maritime security system and/or offshore regulatory compliance and law enforcement. It will also be of interest to Ministers, the general public and stakeholders with an interest in offshore petroleum and minerals activities.

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# Context

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## ■ History of offshore petroleum and minerals exploration and mining in New Zealand

Offshore petroleum exploration<sup>4</sup> began in New Zealand in the late 1960s. After passing the Continental Shelf Act in 1964, the Government began allocating the first offshore exploration licences. Over 200 offshore wells have been drilled to date, with 10 deep-water wells (greater than 300 metres water depth) drilled by 2014, including two in waters over 1400 metres deep.

There has been increasing public opposition to offshore exploration due to linkages with climate change and a heightened awareness of oil spill risks following the Gulf of Mexico Deepwater Horizon incident in 2010. In 2018, the Government decided to ban new offshore exploration. However, existing permits were unaffected by this change.

Seabed mining (for minerals) is a relatively new activity for New Zealand. Several exploration licences for seabed minerals have been granted in New Zealand, and significant industry interest in seabed mining exists in the country. However, public opinion about seabed mining is divided – some are openly opposed to the practice and actively campaign against seabed mining. Legal action has contributed to uncertainty about the future of seabed mining in New Zealand and no mining operations have occurred yet.

## ■ Nature of offshore exploration and mining activities

Exploration and mining activities at sea are complex, precise and typically at an industrial scale. Ships and rigs involved are often quite large with limited manoeuvrability. A seismic survey ship can be 100 metres long, 30 metres wide, and can be towing several submerged streamers up to 12 kilometres behind making it very difficult for the ship to stop or change course abruptly. A ship towing streamers can require a turning radius of 15 kilometres or more, and often the cables towing this equipment are under considerable tension and can cause significant damage, injury or loss of life if run into, broken or entangled.<sup>5</sup>

Drill ships can be up to 300 metres long, and rigs up to 100 metres wide. They have very limited manoeuvrability, as little as a few metres, and can be dealing with live oil and gas. Often they rotate around a fix location and use large thrusters to stay in place, which can cause strong and dangerous currents close to the ship or rig. Onboard conditions are often like an industrial construction site – cranes can be operating, pipes may be moved, fuel and supply vessels or helicopters are frequently coming or going. There can also be difficult weather and low visibility conditions to deal with.<sup>6</sup>

## ■ Safety and security in the New Zealand maritime context

Historically, incidents of offshore interference in New Zealand have been characterised as non-violent direct action<sup>7</sup> undertaken by a small number of civil society groups and individuals demonstrating their opposition to offshore petroleum exploration activities in New Zealand. They are typically well-prepared and largely aimed at generating public awareness by staging peaceful “bearing witness” moments in port or at sea, and imposing a disruption cost on the operator. They have not intended to cause harm to people or the environment.<sup>8</sup>

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4 In this Plan, ‘exploration’ collectively refers to permitted prospecting, exploration or mining activities (unless quoting specific sections of the CMA).

5 NZP&M “unlawful interference with offshore petroleum and minerals activities”, MB12950 – Nov 2014.

6 Ibid.

7 Murdoch Report, pg12.

8 Ibid.

Those opposed to petroleum and minerals development have a legitimate right to protest. The maritime sector and New Zealand's offshore marine environment are inherently hazardous. Port and harbour environments have many safety hazards and risks, including high volumes of vessel traffic and the movement of heavy machinery and cargoes. Offshore, we have rough seas states and weather conditions that can turn the water very rough, very quickly. The risk of harm to people increases when vessels or people in the water are intentionally used to force another ship to change direction or to stop quickly, or if vessels are pushed beyond their permitted operating limits (for example, taken further out to sea than they are designed for or have too many people onboard).

New Zealand also has limits to how quickly search and rescue response assets can reach an offshore accident. We have limited coastal shipping traffic that can be tasked to help, and our military aircraft may already be tasked to live incidents elsewhere as part of our international commitment to service one of the world's biggest search and rescue areas (33 million square kilometres) covering half of the Pacific ocean and a busy area of the Antarctic.

This series of factors means that interference with permitted activities can be dangerous for everyone involved. Even if it is not the intention of peaceful protestors, maritime accidents can occur quickly and without warning, no matter how experienced or well-trained operators and other marine users are.<sup>9</sup>

While the likelihood of serious incidents occurring in New Zealand is considered low, we are not immune. This is why Government adopts a range of international best practice measures. For example, MBIE may establish a non-interference zone to prevent interference that may damage a ship or offshore structure and cause serious harm to people and/or the marine environment.

#### ■ Social licence

MBIE and partner agencies welcome the opportunity to engage with local communities, iwi and hapu, and any groups or individuals that may wish to peacefully protest petroleum and minerals activities. This engagement could include explaining the regulatory regime and how risks are managed or mitigated.

While previous National Plans were not published, this Plan has been made readily available to provide transparency of our refreshed compliance and enforcement approach to the non-interference provisions of the CMA.

If groups or individuals wish to get in touch with us, please email NICMA Secretariat [nzpam@mbie.govt.nz](mailto:nzpam@mbie.govt.nz)

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<sup>9</sup> [https://www.maritimenz.govt.nz/recreational/safety/default.asp#keep\\_safe\\_on\\_water](https://www.maritimenz.govt.nz/recreational/safety/default.asp#keep_safe_on_water).

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# Non-interference provisions of the Crown Minerals Act 1991

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## ■ Crown Minerals Act 1991 (CMA)

MBIE is responsible for administering the CMA, which sets out the legislative framework for the granting of permits to prospect, explore, and mine Crown-owned minerals within New Zealand.<sup>10</sup> The objective of the CMA is to promote the efficient and effective allocation of rights to prospect, explore, and mine Crown-owned minerals for the benefit of New Zealand.

In line with international best practice, Parliament added non-interference provisions to the CMA as part of a wider reform of the Act in 2013. The provisions were designed to ensure lawfully permitted activities can occur without disruption or damage to structures, ships or equipment. It became a criminal offence to breach the non-interference provisions, which can result in criminal conviction, fines and/or imprisonment.

In 2018, Parliament decided to reflect New Zealand's transition to a more productive, sustainable and inclusive economy by amending the CMA so that no new offshore petroleum exploration permits would be granted. However, existing offshore permits were unaffected by this amendment. As a result, ongoing marine work programmes covering approximately 70,000 km<sup>2</sup> of offshore New Zealand are expected to continue for a number of years before eventually declining (as production volumes decline or as permits expire or are voluntarily surrendered).<sup>11</sup>

## ■ The non-interference provisions under the CMA

The non-interference provisions of the CMA are broadly two-fold:

- › general non-interference provisions (s.101B(1)); and
- › specific provisions that enable the establishment of non-interference zones (s.101B(6)).

The general provisions apply to all permitted activities. Under these provisions, it is an offence if a person intentionally engages in conduct that results in damage to, or interference with, offshore mining operations. The provisions may apply to interference with support vessels and equipment, in port or at sea. During transit, the general non-interference provisions may apply along with the normal rules of safe navigation and any other applicable legislation (such as the Maritime Security Act 2004 and/or Crimes Act 1961).

The specific provisions enable a non-interference zone (NIZ) to be established on a case-by-case basis. Essentially, this zone is an exclusion area around a ship or offshore installation that mitigates the risk of possible harm to people or other vessels operating in the same offshore area. It is an offence to enter a NIZ without a reasonable excuse.

A NIZ only applies to a specific permitted activity (for example, seismic surveying or an exploratory well being drilled within a specific permit area). It typically extends 500 metres out from the outer edge of the structure or ship, or the outer edge of any equipment attached to the structure or ship.

If groups or individuals breach the non-interference provisions, they may be liable for fines or imprisonment.<sup>12</sup>

However, the main issues associated with a breach of the non-interference provisions can be themed as financial issues, quality issues, and coordination issues. These risk areas are underpinned by a range of problematic risk management behaviours that are not strongly linked to any specific occupation that can be regulated. Furthermore, these issues are less a matter of public safety and more about company finances, project efficiency, and corporate decisions made on risk management.

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<sup>10</sup> Crown-owned (or vested) minerals includes all petroleum, gold, silver and uranium, as well as all minerals in the territorial sea, exclusive economic zone and extended continental shelf. Other minerals (for example, coal, iron sands, aggregates) have a mixture of Crown and private ownership. Privately owned minerals do not fall under the CMA.

<sup>11</sup> As at November 2019, the total offshore acreage for petroleum exploration and minerals mining permits was 70,629.54 km<sup>2</sup>.

<sup>12</sup> More detail on relevant sections of the Crown Minerals Act 1991 is outlined in **Appendix A: Legislative environment at a glance**.



# Governance

This section outlines the governance structure and inter-agency arrangements in place to support NICMA, and to ensure it effectively administers and proportionately enforces the CMA relating to interference with permitted activities, within the broader maritime security system.

NICMA is led by MBIE, and is supported by New Zealand Police, Maritime New Zealand, the New Zealand Defence Force, the National Maritime Coordination Centre and the New Zealand Customs Service.

## ■ High-Level Principles and Operational Guidelines

The governance of NICMA operates in accordance with the following principles and guidelines:

- › Risks are identified and managed using the '4 Rs' risk management approach, in line with the all-of-government Hazard and Risk Board directive for government agencies to use New Zealand's Coordinated Incident Management Structure.
- › Planning and response activities aim to:
  - Be timely, proportionate and appropriate to interference incidents;
  - Support continuity of permitted activities and the early restoration of disrupted services;
  - Manage public safety and protect human life; and
  - Minimise impacts on society, the economy and the environment.
- › Agencies' activities are coordinated and operate in line with the State Services Commission's Model Standards of information gathering associated with regulatory compliance, law enforcement and security functions (the 'Model Standards') and applicable agency-specific policies and guidelines.
- › Engagement with iwi gives effect to the principles of the Treaty of Waitangi.
- › Uphold the rule of law, democratic institutions and citizens' rights.

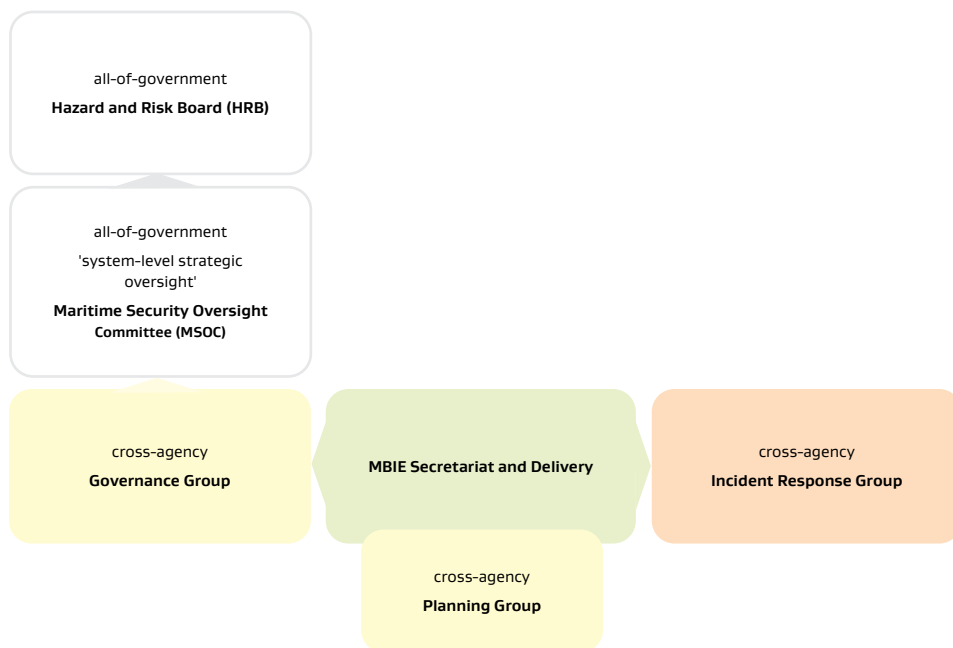


DIAGRAM 1: NICMA

Function	Roles and responsibilities	Membership
<b>Maritime Security Oversight Committee (MSOC)</b>	<p>Provides system-level strategic oversight of the maritime security system, including NICMA. Ensures planning and possible incident responses for NICMA benefit from being moderated in line with the broader maritime security system.</p> <p>Receives National Plan and Review Report annually from MBIE for review and endorsement. MSOC may ask for National Plans to be first considered by the Joint Maritime Advisory Group.</p>	<p>Chaired by Ministry of Transport</p> <p>Members are senior representatives of the following agencies:</p> <ul style="list-style-type: none"> <li>› Ministry of Transport</li> <li>› Maritime New Zealand</li> <li>› Department of the Prime Minister and Cabinet</li> <li>› Ministry of Business, Innovation and Employment</li> <li>› Ministry of Defence</li> <li>› Ministry of Foreign Affairs and Trade</li> <li>› New Zealand Customs Service</li> <li>› New Zealand Defence Force</li> <li>› New Zealand Police</li> <li>› Ministry for Primary Industries</li> <li>› Department of Conservation</li> </ul>
<b>Governance Group</b>	<p>Provides regime-level governance of NICMA. Takes overall responsibility for NICMA, including end-to-end effectiveness and identifying obstacles to delivery.</p> <ul style="list-style-type: none"> <li>› Meets every six months, and ad hoc as needed, to:</li> <li>› Agree the risk appetite for each exploration season, review and approve the risk matrix and risk register, and ensure these are core governance tools for NICMA.</li> <li>› Review and approve annual National Plan, the seasonal Forward Activity Report and the annual Review Report.</li> <li>› Receive and note SitReps and six monthly update reports.</li> <li>› Maintain oversight of the knowledge and information management function of NICMA to ensure it operates in accordance with the Model Standards and applicable agency-specific policies and guidelines.</li> <li>› Build good working relationships with members.</li> <li>› Engage with MSOC.</li> <li>› Engage with the Incident Response Group, where decisions need to be escalated.</li> </ul>	<p>Chaired by MBIE Deputy Chief Executive (DCE) - Building, Resources and Markets.</p> <p>Members are DCE level (or suitable delegate) representatives from the following partner agencies:</p> <ul style="list-style-type: none"> <li>› MBIE</li> <li>› New Zealand Police</li> <li>› Maritime New Zealand</li> <li>› New Zealand Defence Force</li> <li>› National Maritime Coordination Centre (NMCC)</li> <li>› New Zealand Customs Service.</li> </ul>

Function	Roles and responsibilities	Membership
<p><b>MBIE Secretariat and Delivery</b></p>	<p>Leads the day-to-day work of NICMA.</p> <p>Prepares and maintains the following key documents:</p> <ul style="list-style-type: none"> <li>› annual <b>National Plan</b>.</li> <li>› <b>risk matrix</b> and <b>risk register</b>.</li> <li>› seasonal <b>Forward Activity Forecast</b> (containing technical and factual operational information from partner agencies).</li> <li>› regular <b>Situational Reports</b> (SitReps).</li> <li>› six monthly update reports</li> <li>› annual <b>Review Report</b> (containing a record of incidents and responses and capturing any lessons learned).</li> </ul> <p>Submits documents to the Planning Group, Governance Group and MSOC (as applicable).</p> <p>Coordinates all groups and input from partner agencies.</p> <p>Undertakes risk assessments and monitors risks, including legal risks.</p> <p>Receives and shares information in accordance with the Model Standards and applicable agency-specific policies and guidelines.</p> <p>Activates the Incident Response Group, if required, based on information received and shared.</p> <p>Coordinates and supports the following meetings:</p> <ul style="list-style-type: none"> <li>› Governance Group meetings.</li> <li>› Planning Group meetings (including its risk assessment meetings).</li> <li>› Incident Response Group meetings (including its activation for incident response).</li> <li>› Preliminary on-site operations meeting.</li> </ul> <p>Leads communications between groups and with operators and stakeholders.</p> <div style="border: 1px solid #ccc; padding: 5px; margin-top: 10px;"> <p>MBIE will take particular care with information received and shared, ensuring that it is managed in line with the Model Standards and applicable agency-specific policies and procedures.</p> </div>	<ul style="list-style-type: none"> <li>› MBIE staff, including technical, operational and compliance experts.</li> </ul>

Function	Roles and responsibilities	Membership
<p><b>Planning Group</b></p>	<p>Provides expert operational and technical advice and support to MBIE and NICMA.</p> <p>Meets every six months, and ad hoc as needed, to:</p> <ul style="list-style-type: none"> <li>› Seasonally review the <b>National Plan</b> and supporting documents to ensure they are operationally fit-for-purpose and proportionate to the risk of harm, damage or loss.</li> <li>› Undertake a seasonal risk assessment of possible interference scenarios to ensure response planning is proportionate to the risk of harm, damage or loss.</li> <li>› Undertake risk assessments of specific permitted activities to determine proportionate response scenarios.</li> <li>› Contribute information to the seasonal <b>Forward Activity Forecast</b> at the beginning of the season and regular <b>SitReps</b> once activity has started to ensure MBIE and partner agencies have a common picture of the operating environment while permitted activities are being undertaken.</li> <li>› This information will also be used to inform MBIE's decision to stand-up an <b>Incident Response Group</b>, if deemed necessary.</li> </ul>	<p>Chaired by MBIE.</p> <p>Members are representatives from the following partner agencies:</p> <ul style="list-style-type: none"> <li>› MBIE</li> <li>› New Zealand Police (operational, iwi liaison)</li> <li>› Maritime New Zealand (compliance and response)</li> <li>› New Zealand Defence Force (planners)</li> <li>› National Maritime Coordination Centre</li> <li>› New Zealand Customs Service.</li> </ul>
<p><b>Incident Response Group</b></p>	<p>Plans, initiates and actions operational responses to interference incidents that have occurred or are imminent.</p> <p>MBIE activates and coordinates this group. It will engage with the Governance Group, where decisions need to be escalated.</p> <p>Operational responses may be undertaken by relevant partner agencies.</p> <p>If activated, this group determines:</p> <ul style="list-style-type: none"> <li>› whether the interference incident is primarily a breach of the CMA or other legislation.</li> <li>› whether an operational response is required under the CMA and, if so, the nature of that response in proportion to the risk of harm, damage or loss.</li> </ul> <div style="border: 1px solid #ccc; padding: 5px; margin-top: 10px;"> <p>MBIE may activate this group if it receives information that demonstrates:</p> <ol style="list-style-type: none"> <li>1. a non-interference zone has been breached or will imminently be breached; and/or</li> <li>2. damage to, or interference with, a ship or structure has occurred or is likely to occur; and/or</li> <li>3. interference with any structure, ship or equipment used for a permitted activity has occurred</li> <li>4. to the extent the activity is unable to continue.</li> </ol> </div>	<p>Members are likely to be the same representatives that sit on the <b>Planning Group</b>.</p>

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# Risk management framework

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This section outlines MBIE's approach to the management of risks for NICMA.

The risk management framework is intended to support scalable and proportionate planning for, and response to, unlawful interference incidents under the CMA. The framework includes a risk identification, analysis and evaluation matrix and risk escalation criteria (attached at **Appendix C: Risk analysis tools**).

MBIE also maintains a NICMA risk register as a living document.

## ■ Risk management principles / strategic outcomes

- › Manage public safety and protect human life.
- › Minimise impacts on the economy and the environment.
- › Uphold the rule of law and citizens' rights.
- › Support marine users' rights to undertake their permitted activities safely.
- › Maintain New Zealand's and the government's reputation.

## ■ The '4 Rs' risk management approach

In line with New Zealand's all-hazard national strategic planning and crisis management system (the National Security System), this Plan adopts the risk management approach known as the '4 Rs'. This encompasses end-to-end risk management around four elements: **risk reduction, readiness, response and recovery**.

Following the '4 Rs' approach, MBIE and partner agencies plan for unlawful interference with permitted activities under the CMA. This planning enables the government's frontline response to an interference incident (both operational and management of consequences) to be timely and proportionate, to reduce risk of harm to the public and to ensure there is as little disruption and distress as possible.

A large part of the refresh of this Plan has involved MBIE and the partner agencies developing a refreshed process for readiness and response for this exploration season. This has been designed to ensure that any planning and preparation for an incident response is proportionate to the risks posed by a breach of the non-interference provisions.

As there is a complex cross-over of jurisdictions and regulatory powers in the maritime space, particularly when ships/vessels are involved, an interference incident may give rise to a breach of the CMA as well as a breach of other domestic legislation and/or international law (the latter being the responsibility of different regulatory and enforcement agencies).

The '4 Rs' approach outlined below has been developed for CMA breaches only.

Reduction	Readiness	Response	Recovery
<p>MBIE reduces the risk of interference with permitted activities in two ways:</p> <ol style="list-style-type: none"> <li>1. by assisting relevant parties to better understand the regulatory regime and how risks are managed or mitigated; and</li> <li>2. by deciding, where appropriate, to specify a non-interference zone around a ship or structure undertaking a permitted activity and notifying the public by publishing this information in the fortnightly New Zealand Notices to Mariners.</li> </ol> <p>MBIE designates NIZs in line with international best practice and domestic maritime safety legislation.</p>	<p>MBIE (with support from partner agencies) will operate a 'reactive process' this exploration season.</p> <p>This ensures any planning and preparation for a potential interference incident is proportionate to the risks posed by a breach of the non-interference provisions and is moderated in line with the New Zealand national security system.</p> <p>A risk assessment for each permitted activity will be undertaken in accordance with the risk management framework. This will inform whether there is a need to undertake further response planning or actions.</p>	<p>If interference occurs, MBIE may activate a cross-agency Incident Response Group. This group is only activated if MBIE passively receives information that demonstrates:</p> <ol style="list-style-type: none"> <li>1. a non-interference zone (NIZ) has been breached or will imminently be breached;</li> <li>2. damage to, or interference with, a ship or structure has occurred or is likely to occur; and/or</li> <li>3. interference with any structure, ship, or equipment used for a permitted activity has occurred to the extent the activity is unable to continue.</li> </ol> <p>As a first step, this group will determine if the interference incident is primarily an alleged breach of the CMA or other legislation. If the CMA is to be applied, a plan is then created for an operational response.</p> <p>If the incident is a breach of other legislation, the relevant partner agency will assume the lead-agency role and respond according to their own processes.</p>	<p>If there is an alleged breach of the CMA, an investigation occurs.</p> <ul style="list-style-type: none"> <li>&gt; Subject to the Solicitor-General's Guidelines, charges may be laid by MBIE (or Police) for a breach of section 101B of the CMA.</li> <li>&gt; Police may decide to file charges under other legislation (for example, the Crimes Act 1961, Trespass Act 1980, Search and Surveillance Act 2012).</li> <li>&gt; Maritime NZ may decide to file charges under the Maritime Transport Act 1994, Maritime Securities Act 2004, or Health and Safety at Work Act 2015.</li> </ul> <p>MBIE may lead a cross-agency debrief.</p>

## ■ Reduction

The aim of the reduction phase is to reduce the risk of unlawful interference with permitted offshore activities.

The maritime sector is a high-risk environment. In particular, agencies are concerned about interference that:

- › increases the likelihood of death or injury;
- › causes damage to the marine environment; and/or
- › causes an economic loss (i.e. to the New Zealand economy and/or to the lawful rights of parties).

### Responsibilities of marine users

Vessel operators are responsible for operating safely and within the law. This includes navigating safely, ensuring vessel safety, and ensuring the health and safety of the people onboard their vessels. They also have responsibilities for maritime security and protecting the marine environment.

These responsibilities may vary depending on whether the vessel operator is commercial (for example, a 'Person Conducting a Business or Undertaking' (PCBU) under the Health and Safety at Work Act 2015) or recreational, the size and type of vessel, and where the vessels are operating.<sup>13</sup>

Maritime NZ (as the agency responsible for national safety, security and environmental protections that govern the operation of vessels, ports and offshore installations in New Zealand waters) supports, encourages and requires compliance with those laws and regulations.

### Our responsibilities

MBIE has a statutory responsibility to monitor compliance and investigate alleged breaches of the CMA, including the non-interference provisions.

Groups and individuals have a lawful right to protest petroleum and minerals activities. Peaceful protest can occur without breaching the law and increasing the risk of harm to people or the marine environment.

We welcome the opportunity to work with groups and individuals that wish to peacefully protest petroleum and minerals activities, safely and within the law. We expect everyone to comply with the law and we believe that most individuals and organisations are willing to comply. Our response to non-compliance will be fair, reasonable and proportionate and take into account the public interest.<sup>14</sup>

This Plan is published to ensure the public are aware of our compliance expectations.

Risks associated with interference may be reduced by specifying non-interference zones around a ship or structure undertaking a permitted activity, where appropriate and notifying the public of these zones by publishing them in the fortnightly *New Zealand Notices to Mariners*. MBIE typically designates 500 metre zones in line with international best practice and domestic maritime safety legislation. These exclusion zones prohibit other marine users from entering within 500 metres of the permitted activity, and are similar to the safety and security boundaries set around airports and industrial plants.

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<sup>13</sup> Maritime NZ *Compliance Strategy*, Version 4.

<sup>14</sup> MBIE *Implementing the Vade Model: Crown Minerals Act Regulatory Operating Model*.

## ■ Readiness

The readiness phase involves developing operational systems and capabilities before an interference incident occurs.

MBIE (with support from partner agencies) will undertake the following seasonal planning and preparation:

- › Prepare and maintain an annual **National Plan** (and concurrent risk appetite) as approved by the Governance Group and endorsed by MSOC. This ensures NICMA has sufficient governance and strategic system-level oversight so its risks, planning and possible incident responses can benefit from insights and moderation in line with New Zealand's broader maritime security system.
- › Develop, review and update the seasonal **Forward Activity Forecast**. This lists the permitted activities to be undertaken this season and provisional dates. MBIE may also liaise with permit holders/operators for progress updates as their logistics and timings are confirmed.
- › Coordinate a '**preliminary on-site operations meeting**' 6-8 weeks before a specific permitted activity begins. The purpose of this meeting is to ensure all relevant parties are provided with all relevant technical and operational information for the permitted activity. Attendees are: MBIE, Police (HQ and regional), EPA, Worksafe, and Maritime NZ. Operators are required to attend. External security consultants engaged by operators are not permitted to attend.

At the meeting:

- MBIE presents on its general compliance and enforcement role and on the rights, roles and responsibilities of all other parties (including information on who operators may call if there is an interference incident), so this is well understood in advance of the start of permitted activity.
- Operators are asked to share relevant technical and operational information about their permitted activity.

MBIE is responsible for arranging the meeting, and will prepare and circulate minutes to ensure there is an official record of the meeting so parties have the same understanding of the matters discussed.

- › Coordinate a '**risk assessment meeting**' to allow the cross-agency **Planning Group** to undertake a risk assessment for a specific permitted activity, consider possible interference scenarios in accordance with the NICMA risk management framework, and consider whether there is any need to undertake any further response planning or actions. Attendees are: MBIE, Police, NZDF, Maritime NZ, NZ Customs Service (if relevant) and Immigration NZ (if relevant).

As lead agency, MBIE will maintain the risk management framework and NICMA risk register. MBIE will take minutes and circulate to attendees, to ensure there is a record of the meeting and parties have the same understanding of the matters discussed. MBIE will also report this information back to the cross-agency **Governance Group** to inform them of the context, risk profile of the activity and recommended next steps.

- › Undertake a **knowledge and information sharing function** for NICMA. The purpose of this function is to ensure MBIE and partner agencies have a shared understanding of the operations and environment while permitted activities are being undertaken. MBIE is responsible for producing and circulating an inter-agency Situation Report (SitRep) on a regular basis to the Governance Group (with a copy to the Planning Group). The report will contain technical and factual operational information, passively gathered in accordance with the Model Standards and applicable agency-specific policies and guidelines.

This information will be used for shared situational awareness and to inform MBIE's decision to activate any **Incident Response Group**.

Partner agencies are responsible for providing MBIE with information that demonstrates imminent or occurring interference with permitted activities (for example, if a kayaker has accidentally entered a NIZ). Partner agencies can also advise MBIE to activate the **Incident Response Group** and are responsible for sharing NICMA information internally in line with their own processes. If there are no changes or updates to NICMA information, a SitRep will not be produced.



## ■ Response

If an interference incident occurs or is imminent:

- › Permit operators are required to manage their own security. They will have comprehensive security plans and policies in place to manage possible interference incidents. Should an alleged breach of the non-interference provisions occur, permit operators are often asked to gather evidence to support an investigation.
- › MBIE may decide to stand up the **Incident Response Group** to plan, initiate and action an operational response. This group will only be stood up if MBIE passively receives information from the public, permit operators or partner agencies that demonstrates:
  1. a non-interference zone (NIZ) has been allegedly breached or will imminently be breached; and/or
  2. damage to, or interference with, a ship or structure has occurred or is likely to occur; and/or
  3. Interference with any structure, ship or equipment used for a permitted activity has occurred to the extent the activity is unable to continue.

If activated, the group will determine whether the interference incident is primarily a breach of the CMA or other legislation. If there is an alleged breach of the CMA, a plan will be created for an operational response. An operational response may be led by Police (from the Command and Coordination Centre in Police National Headquarters) or supported by the New Zealand Defence Force. Any breaches of legislation for which Maritime NZ has responsibility will be investigated in accordance with its Compliance Operating Model. The Rescue Coordination Centre would only be involved in an incident if it involved a search and rescue component.

If the incident is a breach of other legislation, the relevant partner agency will assume the lead role and respond according to their own processes. **Appendix A: Legislative environment at a glance** outlines which agency is responsible for which legislation.

In certain circumstances, an interference incident may be a fast-paced situation and an operational response may have already been enacted elsewhere before an **Incident Response Group** can be stood up. In this case, MBIE can decide whether it is still necessary to activate this group or not.

If MBIE determines that an alleged CMA breach requires a broader and more sustained level of response support, they should bring it to the attention of the Department of the Prime Minister and Cabinet (DPMC) for consideration as to whether the National Security System (NSS) should be activated. The NSS looks at potential, emerging or actual threats, risks or issues that:

- › affect New Zealand's interests or international reputation;
- › require active or close coordination or extensive resources;
- › are of large scale, high intensity or great complexity;
- › require coordination of multiple, smaller, simultaneous events; or
- › might meet one of these conditions in the future and would benefit from swift attention before things deteriorate.<sup>15</sup>

The NSS provides for a coordinated government response in which:

- › Risks are identified and managed;
- › The response is timely and appropriate;
- › National resources are applied effectively;
- › Adverse outcomes are minimised;
- › Multiple objectives are dealt with together;
- › Agencies' activities are coordinated.

Depending on the situation, DPMC may convene a Watch Group or an Officials' Committee for Domestic and External Security Coordination (ODESC) meeting. A Watch Group is made up of senior officials able to commit resources and agree actions on behalf of their agency, while ODESC is

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<sup>15</sup> <https://dpmc.govt.nz/our-programmes/national-security-and-intelligence/new-zealand%E2%80%99s-national-security-system-during-a-crisis/governance-during-crisis/watch-groups>

comprised of chief executives and focuses on the national interest and remain at the strategic level. The NSS also seeks to ensure that agencies maintain a consistent situational awareness, and can assist in circulating information products if necessary (such as the National Maritime Coordination Centre (NMCC) Intelligence Working Group product).

### ■ Recovery

The recovery phase focuses on what to do to after an interference incident has occurred. An operational response may have been actioned or the interference incident may have ended on its own.

If there is an alleged breach of the CMA following an interference incident, a NICMA investigation is likely to occur. Subject to the Solicitor-General's Guidelines, charges may be laid by MBIE (or Police) for a breach of section 101B of the CMA.

Other legislation and actions may be applicable to the interference incident, including:

- › Police may decide to file charges under other legislation, such as the Crimes Act 1961, the Trespass Act 1980 and/or the Search and Surveillance Act 2012.
- › Maritime NZ may decide to file charges under the Maritime Transport Act 1994 and/or the Maritime Security Act 2015.
- › Maritime NZ may decide to file charges under the Health and Safety at Work Act 2015.

Critical to the recovery phase is a debrief that includes all agencies involved. For alleged breaches of the CMA, MBIE will likely lead the debrief. The debrief may include matters relating to operations, governance and oversight; safety; the situation and actions taken; continued improvement/lessons identified; and any recommendations.

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# Annual Review

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NICMA has a strong focus on continuous improvement. At the end of each exploration season (roughly April – May), MBIE will coordinate input from partner agencies to produce an annual **Review Report** for review and approval by the cross-agency **Governance Group** and for review and endorsement by the all-of-government **MSOC**.

This report will contain:

- › a review of how well the readiness and response phases of this Plan worked;
- › a review of lessons learned from any incidents, responses, and charges filed;
- › whether any new or unanticipated risks arose during operations; and
- › any suggested improvements to be included in future National Plans.

MBIE is responsible for maintaining this Plan (and supporting documents). It will be reviewed and updated annually in response to lessons learned from the annual Review Report and to capture any relevant changes to the regulatory context, legislation, policy, technology and equipment.

# Appendix A: Legislative environment at a glance

## Crown Minerals Act 1991 (CMA)

Agency	Statutory function
<b>MBIE</b>	Administers the CMA, including the non-interference provisions in sections 101A to C.
<b>New Zealand Police</b>	Acts as 'enforcement officer' under section 101C of the CMA
<b>New Zealand Defence Force</b>	Acts as 'enforcement officer' under section 101C of the CMA

Other legislation relevant to interference incidents

Agency	Statutory function
<b>Maritime New Zealand (including Rescue Coordination Centre New Zealand (RCC) and Maritime Pollution Response Services (MPRS))</b>	<p>The national regulatory, compliance and response agency for:</p> <ul style="list-style-type: none"> <li>› the safe, secure and clean operation of vessels, ships, ports, and offshore installations; and</li> <li>› environmental protection of coastal and inland waterways</li> </ul> <p>Can comment on maritime safety, security or environmental protection issues, breaches of applicable legislation, port state control, major (Category 2) search and rescue / oil spill response operations (via RCC/MPRS).</p> <p>Maritime Transport Act 1994; Maritime Security Act 2004; Health and Safety at Work Act 2015.</p>
<b>Ministry of Transport/Ministry of Foreign Affairs</b>	<p>Continental Shelf Regulations provide for 500 metre safety zones around some of the existing offshore petroleum platforms.</p> <p>Continental Shelf Act 1964.</p>
<b>New Zealand Police</b>	<p>Can comment on breaches of applicable legislation, general maintenance of law and order, arrests, minor (Category 1) SAR operations and any operational response to illegal activity.</p> <p>Crimes Act 1961; Summary Offences Act 1981; Trespass Act 1980; Search and Surveillance Act 2012.</p>
<b>New Zealand Customs Service</b>	<p>Can comment on customs requirements and other border protection issues.</p> <p>Customs and Excise Act 2018.</p>

<b>National Maritime Coordination Centre (NMCC)</b>	<p>A single, independent national maritime centre that combines information management and operational activities in respect of the civil security of New Zealand's maritime areas.</p> <p>Coordinates operational maritime patrol activity by government agencies, including monitoring security, customs, biosecurity, protected areas, illegal fisheries harvesting or minerals mining. May task aircraft and vessel assets pre-emptively and for a response.</p> <p>Also has a Maritime Intelligence Working Group for shared situational awareness of New Zealand's maritime environment.</p>
<b>New Zealand Defence Force</b>	Defence Act 1990, section 9(1).
<b>WorkSafe New Zealand</b>	Health and Safety at Work Act 2015 and associated regulations.
<b>Ministry of Justice</b>	Maritime Crimes Act 1999.
<b>Civil Aviation Authority</b>	Civil Aviation Rules; Civil Aviation (Offences) Regulations 2006.

### ■ Crown Minerals Act 1991

Relevant sections of the CMA are outlined below. For the purposes of the CMA, enforcement officers are constables and every person in command of a ship of the New Zealand Defence Force and every person acting under his or her command.

#### 101A Interpretation

*In sections 101B and 101C, —*

*exclusive economic zone has the same meaning as in section 2(1) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977*

*foreign ship has the same meaning as in section 2(1) of the Maritime Transport Act 1994*

*master has the same meaning as in section 2(1) of the Maritime Transport Act 1994*

*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*

*permitted prospecting, exploration, or mining activity means an activity authorised under a prospecting, exploration, or mining permit*

*ship has the same meaning as in section 2(1) of the Maritime Transport Act 1994*

*specified non-interference zone means a zone specified by the chief executive in accordance with section 101B(6) to (8)*

*structure —*

- a. *means any fixed, moveable, or floating structure or installation; and*
- b. *includes a petroleum pipeline, petroleum pumping station, petroleum tank station, or petroleum valve station*

**101B Interfering with structure or operation in offshore area**

1. A person commits an offence if the person intentionally engages in conduct that results in—
  - a. *damage to, or interference with, any structure or ship that is in an offshore area and that is, or is to be, used in mining operations or for the processing, storing, preparing for transporting, or transporting of minerals; or*
  - b. *damage to, or interference with, any equipment on, or attached to, such a structure or ship; or*
  - c. *interference with any operations or activities being carried out, or any works being executed, on, by means of, or in connection with such a structure or ship.*
2. A person commits an offence if—
  - a. *the person is the master of a ship that, without reasonable excuse, enters a specified non-interference zone for a permitted prospecting, exploration, or mining activity; or*
  - b. *the person leaves a ship and, without reasonable excuse, enters a specified non-interference zone for a permitted prospecting, exploration, or mining activity.*
3. *In prosecuting an offence against subsection (2), it is not necessary for the prosecution to prove that the person intended to commit the offence.*
4. A person who commits an offence against subsection (1) is liable on conviction,—
  - a. *in the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50,000;*
  - b. *in the case of a body corporate, to a fine not exceeding \$100,000.*
5. *A person who commits an offence against subsection (2) is liable on conviction to a fine not exceeding \$10,000.*
6. *For the purposes of subsection (2), the chief executive may specify a non-interference zone by notice published in a fortnightly edition of the New Zealand Notices to Mariners (under Part 25 of the Maritime Rules).*
7. A notice must specify—
  - a. *the permitted prospecting, mining, or exploration activity to which the non-interference zone relates; and*
  - b. *the locality of the activity; and*
  - c. *the area of the non-interference zone to which the activity relates (which may be up to 500 metres from any point on the outer edge of the structure or ship to which the activity relates or, if there is any equipment attached to the structure or ship, 500 metres from any point on the outer edge of the equipment); and*
  - d. *the period (which may be up to 3 months) for which the notice has effect.*
8. *The chief executive, when determining the area of a non-interference zone for the purposes of a notice, must take into account the nature of the activity, including the size of any structure or ship to which the activity relates and any equipment attached to the structure or ship necessary for the carrying out of the activity.*
9. *No proceedings for an offence against this section may be brought in a New Zealand court in respect of a contravention of this section on board, or by a person leaving, a foreign ship without the consent of the Attorney-General.*

**101C Powers of enforcement officers**

1. An enforcement officer who has reasonable cause to suspect that a person is committing, has committed, or is attempting to commit an offence against section 101B may do 1 or more of the following things:
  - a. *stop a ship within a specified non-interference zone and detain the ship;*
  - b. *remove any person or ship from a specified non-interference zone;*
  - c. *prevent any person or ship from entering a specified non-interference zone;*
  - d. *board a ship (whether within a specified non-interference zone or otherwise), give directions to the person appearing to be in charge, and require the person to give his or her name and address;*
  - e. *without warrant, arrest a person.*
2. *If an enforcement officer described in subsection (6)(b) or (c) arrests a person under subsection (1)(e), the enforcement officer must cause the person to be delivered into the custody of a constable as soon as practicable.*
3. *An enforcement officer who exercises a power under this section may be accompanied by any person or persons reasonably necessary to assist the enforcement officer to exercise the power.*

4. *A person who provides assistance under subsection (3) may exercise the powers provided to an enforcement officer under subsection (1)(a) to (d).*
5. *No enforcement officer, or person called upon to assist an enforcement officer, who does an act, or omits to do an act, when exercising a power under this section is under any civil or criminal liability in respect of the act or omission, unless the person has acted, or omitted to act, in bad faith.*
6. *For the purposes of this section, the following persons are enforcement officers:*
  - a. *every constable;*
  - b. *every person in command of a ship of the New Zealand Defence Force;*
  - c. *every person acting under the command of a person described in paragraph (b).*

#### ■ Continental Shelf Act 1964

In addition to the CMA, the Continental Shelf Act 1964 provides for regulations to be made establishing safety zones. Six Continental Shelf Regulations exist around two Floating Production Storage and Offloading vessels (FPSO) and four permanent production platforms/wellhead installations. The six regulations are:

- › Continental Shelf (Maui A Safety Zone) Regulations 1975
- › Continental Shelf (Maui B Safety Zone) Regulations 1991
- › Continental Shelf (Pohokura Platform B Safety Zone) Regulations 2006
- › Continental Shelf (Kupe Wellhead Platform Safety Zone) Regulations 2006
- › Continental Shelf (Umuroa Installation Safety Zone) Regulations 2008
- › Continental Shelf (Maari Development Safety Zones) Regulations 2008

These regulations establish a 500 metre safety zone around production platforms, and/or Floating Production Storage and Offloading (FPSO) units. It is an offence to enter these safety zones unless an exception applies.

Below is an example of permitted exceptions to the safety zone regulation for the Maari Development wellhead and pipeline:

#### 7. Offence

1. The person in charge of a ship when it enters the wellhead safety zone in contravention of regulation 6(1) or enters the floating installation safety zone in contravention of regulation 6(2) commits an offence, unless the ship's entry of the zone —
  - a. *was for the purpose of securing the ship's safety in an emergency (whether or not caused by stress of weather); or*
  - b. *was for the purpose of saving, or preventing danger to, human life or a ship in distress; or*
  - c. *was compelled by an event or circumstance beyond the control of the person charged*
2. A person who commits an offence against subclause (1) is liable on conviction to a fine not exceeding \$1,000.

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## Appendix B: Historic interference incidents

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<b>2011</b>	Protesters interfered with the seismic survey ship contracted by Petrobras, forcing the vessel to change direction and operations to stop.
<b>2012</b>	The Shell-chartered <i>Noble Discoverer</i> drill rig was boarded by protesters that occupied the drilling tower on the vessel for three days.
<b>2013</b>	A flotilla protest greeted the <i>Noble Bob Douglas</i> on arrival at the Romney-1 well site and one vessel breached the designated Non Interference Zone for a number of days.
<b>2017</b>	Protesters interfered with the seismic survey vessel <i>Amazon Warrior</i> , forcing the vessel to change course and endangering both protesters and vessel crew.
<b>2018</b>	Protesters boarded, in port, the seismic support vessel <i>Mermaid Searcher</i> , disrupting re-supply and maintenance activities.
<b>2019</b>	Protesters boarded, in port, the support vessel <i>Skandi Atlantic</i> in Timaru port, disrupting the ship leaving for Taranaki.
<b>2020</b>	Protesters boarded, at sea, the <i>COSL Prospector</i> rig in Cook Strait en route to Toutouwai-1 permit off the Taranaki coasts. The protesters were removed and flown to the mainland.



# Appendix C: Risk Analysis Tools

Risk Identification, Analysis and Evaluation Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
<b>Almost Certain</b> Has happened in New Zealand more than once and/or recently (in the last year)	*Support Vessel or Rig Boarded while in Port *Protest action onshore outside Port	*Offshore Rig Boarded – no injury or loss of production (depends on type of rig)	*Offshore rig boarded resulting in moderate injury and ceased production for a short period (under 48 hours)	*Survey Vessel interfered with offshore (streamers deployed)	*Accidental/intentional release oil/gas
<b>Likely</b> Has happened in New Zealand at least once	*Pending breach of specified NIZ (1km radius)	*Breach of NIZ (500m – 200m)	*Support vessel interference in transit to offshore area breaching general non-interference provisions of CMA *Breach of specified NIZ (within 200m of Rig)		*Failed boarding attempt at sea causing fatality
<b>Possible</b> Has happened internationally (but not in New Zealand)					
<b>Unlikely</b> Not happened in New Zealand or in a context similar to New Zealand					
<b>Rare</b> Not happened anywhere					



		Risk/Impact Categories				
		Safety	Economic Impact	Political/Reputational	Environmental	Legal
<b>Severe</b>	>	Fatality (single or multiple)	> Production under drilling permit ceases for over 48 hours	> Extensive, targeted media interest	>	> Action, omission or issue resulting in a critical material breach of the non-interference provisions of the CMA
	>	Life threatening injuries or illness;	> Widespread interruption of power supply certain for more than 2 – 3 hours or localised interruption of over 12 hours	> Highly visible nationally and internationally causing enduring damage to internal and external stakeholder trust and/or relationships	> Widespread negative impact on the environment	> MBIE held liable or found to be negligent
	>	Permanent disability to one or more people;	> Severe financial loss or impact on the Operator	> Loss of confidence in the CE and SLT	>	>
	>	Chronic life shortening illness	> >10m loss to the Crown	> Targeted local media attention	>	>
	>	Significant psychological injury or illness	> Production under drilling permit ceases for over 48 hours	> Possible international media attention	>	>
<b>Major</b>	>	Multiple serious physical and/or psychological injuries/illness requiring hospital medical treatment.	> Likely interference with National Power Supply (eg: widespread interruption for more than 2 – 3 hours or localised interruption for 3 – 12 hours)	> Temporary adverse impact (widespread) on internal and external stakeholder trust and/or relationships	> Widespread negative impact on the environment	> Action, omission or issue resulting in a significant material breach of the non-interference provisions of the CMA
	>	Serious but not permanent disability to one or more persons.	> Major financial loss or impact on the Operator	> Major damage (actual or perceived) to MBIE's reputation as a credible regulator	>	>
	>		> 5 – 10 m loss to the Crown	> Of significant interest to Minister(s)	>	>
	>		> Temporary disruption to production (24 – 48 hours) under drilling permit	> Short-term local media attention	>	>
	>	Physical or psychological injury/illness requiring medical treatment.	> Possible Short-Term Disruption to National Supply – localised and less than 2 – 3 hours	> Noticeable increase in parliamentary questions, ministerial and/or OIA requests	> Localised negative impact on the environment	> Action, omission or issue resulting in a material breach of the non-interference provisions of the CMA
<b>Moderate</b>	>	Reversible disability/impairment to one or more people.	> Moderate financial loss or impact on Operator	> Temporary impact to MBIE's reputation as a credible regulator	>	>
	>		> 1 – 5m loss to the Crown	> Of interest to Minister(s)	>	>
	>		> Temporary, short-term disruption (under 24 hours) to production under drilling permit if boarded	> Limited media interest or coverage	> Minimal Impact on the environment	>
	>	Physical or psychological injury/illness requiring medical treatment as an outpatient.	> Minor financial loss or impact on the Permit Operator	> Routine parliamentary questions, ministerial and/or OIA requests	>	>
	>	No irreversible disability or injuries	> 100k – 1M loss to the Crown	>	>	>
<b>Minor</b>	>		> No measurable impact to National Supply	>	>	>
	>	Nil injury or minor physical injury/illness that requires first aid treatment only.	> No necessity to cease production under drilling permit	> No visible media attention	>	>
	>	Minor psychological injury/illness.	> Insignificant financial loss or impact on the Permit Operator	> Negligible and non-critical loss of credibility with key internal and external stakeholders	> No impact on the environment	> Action, omission or issue (including a near miss) that constitutes a non-material breach of the non-interference provisions of the CMA
	>		> <100k loss to the Crown	>	>	>
	>		>	>	>	>

Consequence

## RISK APPETITE

Risk appetite is made up of Risk Appetite Statements (below) that express the risk owner's appetite for risks relating to each risk category, the appetite ranges from averse (low appetite) to open (high appetite)

Averse (Low appetite)	Cautious	Receptive	Open (High appetite)
Averse to more risk	Cautious about taking on risk	Receptive to some risk	Open to accepting risk
Safety	Economic Impact		
Environmental	Political/Reputational		
Legal	Delivery		

## ESCALATION AND ACCEPTANCE CRITERIA

This table sets out the levels of escalation for risks related to the non-interference provisions of the Crown Minerals Act. Escalation levels ensure oversight and acceptance of risks and their controls and treatments. MBIE owns the risks arising under the CMA. However, each partner agency manages its own risks, including those operational risks relating to its incident response under both their own legislation and the CMA.

ESCALATION and ACCEPTANCE	Safety, Environmental, Economic Impact, Political/Reputational	Legal
"Very High Residual Risk Exposure"	Chief Executive, MBIE (as owner)	General Manager, Energy and Resource Markets, MBIE (as owner)
"High Residual Risk Exposure"	Deputy Chief Executive, Building and Resource Markets, MBIE	General Manager, Energy and Resource Markets, MBIE (as owner)
"Moderate Residual Risk Exposure"	General Manager, Energy and Resource Markets, MBIE	General Manager, Energy and Resource Markets, MBIE (as owner)
"Low Residual Risk Exposure"	National Manager, Compliance, Energy and Resource Markets, MBIE	National Manager, Compliance, Energy and Resource Markets, MBIE

