



## COVERSHEET

<b>Minister</b>	Hon Dr Megan Woods	<b>Portfolio</b>	Energy and Resources
<b>Title of Cabinet paper</b>	Crown Minerals Act 1991 Review: Enabling flexibility in the management of Crown-owned minerals, improving engagement with hapū and iwi, and clarification amendments	<b>Date to be published</b>	24 November 2022

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
June 2022	Crown Minerals Act 1991 Review: Enabling flexibility in the management of Crown-owned minerals, improving engagement with hapū and iwi, and clarification amendments	Office of the Minister of Energy and Resources
4 July 2022	CAB-22-MIN-0256 Minute	Cabinet Office
21 June 2022	Regulatory Impact Statement: Enabling flexibility in the management of Crown minerals development under the Crown Minerals Act 1991	Ministry of Business, Innovation and Employment
21 June 2022	Regulatory Impact Statement: Improving permit/licence holder and permit applicant engagement with hapū and iwi under the Crown Minerals Act 1991	Ministry of Business, Innovation and Employment

### Information redacted

**YES**

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.

Some information has been withheld for the reasons of constitutional conventions, legal professional privilege, free and frank opinions, confidential information entrusted to the Government and confidentiality.



# Cabinet

## 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 Act 1991 Review: Proposed Legislative Amendments

**Portfolio**                      **Energy and Resources**

On 4 July 2022, following reference from the Cabinet Economic Development Committee (DEV), Cabinet:

#### Background

- 1        **noted** that on 2 July 2018, Cabinet agreed to undertake a two stage review of the Crown Minerals Act 1991 (CMA) [CAB-18-MIN-0306];
- 2        **noted** that Tranche One of the review was completed in 2018 with the passage of the Crown Minerals (Petroleum) Amendment Act 2018, which gave effect to the government's new policy to prohibit the allocation of new petroleum exploration permits offshore;
- 3        **noted** that on 26 June 2019, DEV agreed to the Terms of Reference for Tranche Two, a wide ranging review that would consider factors needed to enable New Zealand's petroleum and mineral resources sector's contribution to a productive, sustainable and inclusive economy [DEV-19-MIN-0120];
- 4        **noted** that in November 2020, the Minister of Energy and Resources agreed to conclude Tranche Two by making incremental changes to align the CMA with wider government policy while maintaining its current role, **Constitutional conventions**

#### Proposed amendments

- 5        **agreed** to amend the purpose statement of the CMA to make neutral its promotional intent and enable increased flexibility as to the allocation of rights to Crown-owned minerals;
- 6        **agreed** to amend associated provisions in the CMA that reflect its promotional intent, such as section 5 (functions of the Minister);
- 7        **agreed** to amend relevant provisions of the CMA to allow greater flexibility in the frequency of public tenders for petroleum exploration permits;
- 8        **agreed** to require, as part of certain application types, the provision of contact information to be passed on by the Ministry of Business, Innovation and Employment to hapū and iwi whose rohe includes some or all of the permit area or who otherwise may be directly affected by the permit if granted;

- 9 **agreed** to introduce minimum content for iwi engagement reports currently required of permit and licence holders under the CMA;
- 10 **agreed** to require permit and licence holders to share iwi engagement reports with hapū and iwi whose rohe includes some or all of the permit area, or who otherwise may be directly affected by the permit for their feedback, prior to their submission;
- 11 **agreed** to enable annual meetings between hapū and iwi, permit and licence holders, and the Ministry of Business, Innovation and Employment for the purpose of discussing the content of annual iwi engagement reports;
- 12 **agreed** that changes relating to iwi engagement reports should apply to both permit holders under the CMA and licence holders under the Petroleum Act 1937, the Coal Mines Act 1979, the Mining Act 1971, and the Iron and Steel Industry Act 1959;
- 13 **agreed** to make explicit that decision-makers under the CMA may have regard to feedback from hapū and iwi on past permit/licence holder engagement when making permit allocation decisions;
- 14 **agreed** to clarify and make consistent the permit grant, transfer, and change tests in the CMA to ensure assessments against the ability to give effect to work programmes, permit conditions, and decommissioning obligations in the CMA;
- 15 **agreed** to simultaneously amend the minerals programmes to reflect changes consistent with those made to the CMA;
- 16 **agreed** to amend the CMA to disapply the normal consultation requirements for amendments to the minerals programmes for any amendments that are consequential to changes to the primary legislation proposed above;

### Legislative implications

- 17 **noted** that the above paragraphs will be given effect through the Crown Minerals Amendment Bill, which currently holds a category 4 priority on the 2022 Legislation Programme (to be referred to a select committee in 2022);
- 18 **invited** the Minister of Energy and Resources to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 19 **authorised** the Minister of Energy and Resources to make decisions consistent with the policy intent and on any minor or technical matters that may arise during the legislative drafting process.

Rachel Hayward  
Acting Secretary of the Cabinet