



COVERSHEET

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| Minister | Hon Shane Jones | Portfolio | Resources |
| Title of Cabinet paper | Approval of Secondary Legislation under the Crown Minerals Act 1991 | Date to be published | 6 October 2025 |

List of documents that have been proactively released

| Date | Title | Author |
|----------------|---|----------------------------------|
| 14 August 2025 | Approval of Secondary Legislation under the Crown Minerals Act 1991 | Office of Minister for Resources |
| 21 August 2025 | Approval of Secondary Legislation under the Crown Minerals Act 1991 LEG-25-MIN-0170 Minute of Decision | Cabinet Office |

Information redacted

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.

Note the appendices attached to Cabinet paper are being withheld as they have already been publicly released.

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Office of the Minister for Resources
Chair, Cabinet Legislation Committee

Approval of secondary legislation under the Crown Minerals Act 1991

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the:
 - 1.1 Crown Minerals (Minerals Other than Petroleum) Amendment Regulations 2025 (Appendix One)
 - 1.2 Crown Minerals (Royalties for Minerals Other than Petroleum) Amendment Regulations 2025 (Appendix Two)
 - 1.3 Crown Minerals (Minerals Fees) Amendment Regulations 2025 (Appendix Three)
 - 1.4 Crown Minerals (Petroleum) Amendment Regulations 2025 (Appendix Four)
 - 1.5 Crown Minerals (Petroleum Fees) Amendment Regulations 2025 (Appendix Five)
 - 1.6 Crown Minerals Amendment Act 2025 (Tier 3 Permits) Commencement Order 2025 (the Commencement Order) (Appendix Six)
 - 1.7 Minerals Programme for Petroleum Order 2025 (Appendix Seven)
 - 1.8 Minerals Programme for Minerals (Excluding Petroleum) Order 2025 (Appendix Eight).
- 2 This paper uses the term “Regulations” to refer to all five amendment regulations (1.1 –1.5) and the term “Programmes” to refer to the two programmes (1.7-1.8).

Executive Summary

- 3 This paper seeks authorisation to submit the secondary legislation package (the Regulations, the Commencement Order and Programmes) required to implement the Crown Minerals Amendment Act 2025 (the Amendment Act) to the Executive Council.
- 4 The Regulations:

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- 4.1 set out requirements for applications, fees, and royalties for the new Tier 3 minerals permit category;
 - 4.2 specify information requirements for a new application method for Petroleum Exploration Permits (PEPs);
 - 4.3 include consequential amendments because of the recent changes to the decommissioning regime.
- 5 The Commencement Order sets a commencement date for the Tier 3 permit-related provisions in the Crown Minerals Act 1991 (CMA) of 25 September 2025 aligning with the commencement of the Regulations and Programmes.
- 6 The Programmes have been updated to:
 - 6.1 reflect historical legislative changes (since they were last updated in 2013);
 - 6.2 operationalise changes made by the Amendment Act; and
 - 6.3 amend technical errors and regulatory inefficiencies identified by the regulator.
- 7 I also seek Cabinet agreement to two decisions relating to the new Tier 3 minerals permits that are given effect in the secondary legislation:
 - 7.1 to rescind and amend previous Cabinet decisions on regulations to support the implementation of Tier 3 permit category;
 - 7.2 to agree the commencement date for the Tier 3 permit provisions in the CMA.
- 8 Consultation has been undertaken with relevant agencies, stakeholders, iwi, and hapū. The instruments comply with statutory requirements, and the necessary impact assessments have been completed or exemptions granted.

Background

- 9 On 5 August 2025, the Crown Minerals Amendment Bill 2025 (now the Amendment Act) received Royal assent. The Amendment Act makes the following key changes to the CMA:
 - 9.1 removes the ban on new petroleum exploration outside onshore Taranaki and allows for PEPs to be applied for through methods other than public tender (called the open market application process). This is intended to broaden the ways New Zealand can attract and secure petroleum investment;
 - 9.2 adjusts the petroleum decommissioning regime for infrastructure and wells to strike the right balance between increasing investor confidence and protecting the Crown from significant fiscal risk; and

- 9.3 introduces a new Tier 3 permit category for small-scale gold mining operations to improve the administrative efficiency of the regulator and reduce the regulatory burden on applicants and permit holders. It does this primarily by streamlining the process for new Tier 3 applications, and through changes to reporting requirements.
- 10 The Amendment Act also provides that the Tier 3 permit provisions in the CMA will commence on a date to be appointed by Order in Council, with a backstop date of 1 January 2026.
- 11 The CMA is supported by regulations and programmes¹, which are both secondary legislation. Regulations set out the requirements petroleum and mineral permit holders and applicants must meet (e.g. applications, fees, royalties, reporting etc).
- 12 The Programmes outline how the Minister and chief executive will exercise their powers or interpret and apply specific provisions in the CMA in their decision-making. The Programmes provide a clear and transparent framework that supports lawful decision-making, intended to reduce the risk of decisions being successfully challenged on procedural grounds.
- 13 This paper outlines the previous Cabinet decisions on the Regulations required to implement the Amendment Act, and my recommended changes to the Programmes to enable effective operationalisation.

I seek approval to commence the Tier 3 permit provisions in the CMA on 25 September 2025

- 14 The Amendment Act provides that the Tier 3 permit provisions in the CMA commence on a date to be appointed by Order in Council, with a backstop date of 1 January 2026.² I am now seeking approval to commence the Tier 3 permit provisions on 25 September 2025, to align with the commencement of the Regulations and the Programmes below. A Commencement Order has been drafted giving effect to this decision.

I seek approval of regulations to support the implementation of the Crown Minerals Amendment Act 2025

- 15 On 30 September 2024, Cabinet agreed to proposed amendments to regulations under the CMA to support the implementation of different PEP application methods and the new Tier 3 permit category [ECO-24-MIN-0219]. A summary of the key decisions is provided below.
- 16 Cabinet agreed to set information requirements for PEP applications under the Crown Minerals (Petroleum) Regulations 2007. These information requirements relate to the identity of the proposed permit holder (and their technical, financial, health and safety and environmental capability, and

¹ The Minerals Programme for Petroleum, and Minerals Programme for Minerals (Excluding Petroleum) known collectively as the Programmes.

² On 30 June 2025, Cabinet noted that the Minister for Resources (under his delegated authority) agreed this approach to the commencement of the Tier 3 permit provisions [LEG-25-MIN-0119].

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record of compliance), the proposed permit area and duration, work programme, and petroleum potential of the area.

- 17 In respect of the new Tier 3 permit category, Cabinet agreed to:
- 17.1 set requirements for the new Tier 3 permit category under the Crown Minerals (Minerals Other than Petroleum) Regulations 2007 relating to information that must accompany an application for a Tier 3 mining permit, to be provided for annual reporting, and to extend land or the duration of a Tier 3 permit;
 - 17.2 exempt Tier 3 permit holders from certain reporting requirements under the Crown Minerals (Minerals Other than Petroleum) Regulations 2007; and
 - 17.3 amend the Crown Minerals (Royalties for Minerals Other than Petroleum) Regulations 2013 so that the royalty rate for Tier 3 permits is an *ad valorem* royalty of one per cent of the net sales revenue of the minerals obtained under the permit.
- 18 On 31 March 2025, Cabinet agreed to amend Crown Minerals (Minerals Fees) Regulations 2016 to set the following fee for Tier 3 permit: \$2,420 for a new application, \$1,452 for an application to change the duration or land area of the permit, \$1,064 for an application to change the interest, operator or control of the permit, and \$1,000 for the annual fee [EXP-25-MIN-0017].
- 19 On 30 June 2025, Cabinet also agreed to make consequential changes to the Crown Minerals (Petroleum) Regulations 2007, Crown Minerals (Petroleum Fees) Regulations 2016, Crown Minerals (Minerals Other than Petroleum) Regulations 2007 and Crown Minerals (Minerals Fees) Regulations 2016 as part of the package of regulations required to implement the Amendment Act [LEG-25-MIN-0119].

Additional policy decisions sought

- 20 As part of decisions for Tier 3 permit regulations, Cabinet agreed [ECO-24-MIN-0219, CAB-24-MIN-0381]:
- 20.1 to amend the Crown Minerals (Minerals Other than Petroleum) Regulations 2007 to give effect to the mapping standards for minerals permit applications ('mapping standards') to require all applications to be accompanied by a map and digital plot, for accurate spatial positioning of Tier 3 permits.
- 21 During drafting, Ministry of Business, Innovation and Employment (MBIE) officials identified that giving effect to this decision would involve complex drafting and, on reflection, the requirement would go against the policy intent of streamlining application and reporting requirements for Tier 3 permits to reduce regulatory burden. Therefore, I recommend that Cabinet decision is rescinded.

- 22 I also recommend that related decisions are amended to not refer to 'digital plot' and '(in accordance with the published mapping standards)' (decision 8.4 and 10.3 from ECO-24-MIN-0219).
- 23 Consistent with Cabinet decisions, a Tier 3 applicant will still be required to provide a map of the permit area as part of a mining permit application and a map showing the land for which a proposed extension is sought for an application to extend land of an existing Tier 3 permit. Existing definitions of a 'map' and a 'permit area' within the regulations means applicants will need to provide information according to these definitions.
- 24 The Regulations give effect to Cabinet's previous policy decisions and the additional decisions sought in this paper. I seek Cabinet's approval to submit the Regulations to the Executive Council.

I also seek approval of the updated Programmes to reflect historic legislative changes, operationalise the Amendment Act and make technical amendments

- 25 Under the CMA, the Minister can recommend to the Governor-General the issuance or change to a minerals programme. On 23 September 2024, I provided an update to Cabinet that I would be progressing changes to the Programmes to reflect changes to the CMA and undertake public consultation on the changes [LEG-24-MIN-0193].

The Programmes will have new chapters to address substantive policy changes to the CMA since 2013

- 26 The Minerals Programme for Petroleum includes a new chapter on the petroleum decommissioning regime, and the Minerals Programme for Minerals (Excluding Petroleum) includes a new chapter on Tier 3 permits.
- 27 The new chapters have been drafted to provide detail to industry participants and decision-makers on these significant legislative changes, including elaborating on some areas of Ministerial discretion provided by the CMA. For example, detailing how the Minister will consider the financial capability of a permit holder, applicant or transferee to carry out and meet the costs of decommissioning. These changes will provide transparency, clarity and set expectations for current and future participants.

The Minerals Programme for Petroleum provides for allocation of petroleum prospecting and exploration permits through a competitive process outside of Block Offer

- 28 Reflecting Cabinet's decision [ECO-24-MIN-0077] to allow the allocation of PEPs outside the current public tender allocation (Block Offer) process, the Minerals Programme for Petroleum details how the open market process for the allocation of petroleum prospecting and exploration permits on application is intended to work. On receipt of an application, a three-month competition period is initiated where other applications can be made over the same area. Prioritisation akin to the Block Offer ranking is then applied to the initial and competing applications. The intention is that this process incentivises industry

activity and provides for the allocation of acreage to the party with the best proposed work programme at that time.

- 29 The Minerals Programme for Petroleum also sets out that applications for petroleum prospecting permits, other than applications made by speculative prospectors, will ordinarily be granted on an exclusive basis and include the right to apply for a subsequent exploration permit. This is a change from the 2013 Programme that I consider aligns with the intent of the Amendment Act to encourage exploration and remove complexity in the operationalisation of the regime.
- 30 The Programmes are secondary legislation drafted by MBIE.³
- 31 I seek approval to recommend the issuance of the attached Minerals Programme for Petroleum Order 2025 and Minerals Programme for Minerals (Excluding Petroleum) Order 2025 to the Governor-General.

Treaty of Waitangi analysis

- 32 The CMA requires I have regard to the principles of the Treaty of Waitangi in exercising any power or function under this Act. This includes recommending the Programmes and Regulations to the Governor-General. Further, some commitments with iwi and hapū specify requirements on the Crown, Minister of Resources, the Ministry of Business, Employment and Innovation and/or the Chief Executive in relation to updating the Programmes.

Regulations

- 33 In developing the policy and design of the Tier 3 minerals permits in the Amendment Act, MBIE carried out targeted engagement with iwi and hapū, particularly those in the South Island with small-scale mining operations within their rohe to understand views and interests. Iwi and hapū expressed concern that the proposals would increase interest and potential mining activity in their rohe and the difficulty of serving further Crown consultation. On the Regulations MBIE sought feedback from iwi and hapū who engaged on the Policy, but no response was received.
- 34 An assessment was made that iwi and hapū would have limited interest in reviewing the regulations on PEP. This is because they relate to the information requirements needed upfront for an application to be assessed, and they do not impact on the relevant statutory tests of how iwi will be engaged on the application. Iwi were therefore not engaged on the PEP Regulations.

Programmes

- 35 Ahead of and during public consultation on the Programmes, MBIE carried out nationwide hui with iwi and hapū, as described below at paragraphs 63 – 64. MBIE heard a range of views, reflective of the diverse interests of iwi, hapū and Māori.

³ Section 19(3)(a)-(b) of the CMA.

- 36 Themes from engagement and submissions with iwi and hapū included:
- 36.1 the desire for continued meaningful engagement relating to decision-making, which relies on the Crown providing accessible and useful information early to empower iwi and hapū engagement, and recognition that settlement commitments are not the only form of Crown-Māori relationship;
 - 36.2 the importance of ongoing Crown protection of wāhi tapu and sites of significance, and retention of previous submissions to enable the Crown to understand iwi and hapū perspectives and interests to mitigate the burden of consultation, including across different regimes.
- 37 Many submissions and comments relate to the substantive policy matters behind the Amendment Act, including opposition to the repeal of the petroleum ban, requests for funding to support engagement and requesting an obligation on permit holders to engage with iwi and hapū. The Programmes must be consistent with the CMA and associated regulations, therefore such submissions could not be reflected in the Programmes update but were retained for consideration in future work.
- 38 Examples of changes made to the Programmes, informed by or in response to iwi and hapū feedback, include but are not limited to:
- 38.1 the Programmes record the various forms of relationship and commitments between the Crown and iwi and hapū, to reflect the enduring and evolving nature of these relationships;
 - 38.2 the Programmes retain and, in part, enhance Crown consultation requirements with iwi and hapū on permitting decisions. The Programmes also reflect the development of legal personhood to represent maunga and awa, and sets out that Crown consultation with relevant iwi and hapū includes the Post-Settlement Governance Organisations established to represent them.
 - 38.3 The Programmes continue to exclude land previously excluded from the operation of the Programmes, including on request from iwi and hapū, recognising the significance of these areas to iwi and hapū.

Timing and 28-day rule

- 39 The Regulations, Programmes and the Commencement Order will come into force on 25 September 2025, 28 days after they have been notified in the New Zealand Gazette.

Compliance

- 40 The Regulations⁴ comply with each of the following:

- 40.1 the principles of the Treaty of Waitangi;

⁴ The regulations do not include any Treaty of Waitangi provisions, so we have not sought advice from the Treaty Provisions Officials Group.

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- 40.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
- 40.3 the principles and guidelines set out in the Privacy Act 2020;
- 40.4 relevant international standards and obligations; and
- 40.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

The making of the Commencement Order, Regulations and Programmes are empowered by provisions under the Crown Minerals Amendment Act 2025

- 41 Section 2(2) of the Amendment Act provides that specific sections relating to Tier 3 permits come into force on a date set by Order in Council.
- 42 Section 105 of the CMA allows the Governor-General to make regulations by Order in Council for certain purposes, including:
 - 42.1 prescribing the information to be provided with applications for permits;
 - 42.2 prescribing conditions on which permits may be applied for, granted, changed, or extended;
 - 42.3 prescribing the manner in which persons wishing to apply for permits in respect of any land are to mark out or identify the land, and prescribing a graticular system for the purpose of defining areas or parts of areas comprised in permits, applications for permits, or extensions of permits; and
 - 42.4 prescribing matters in respect of which fees are to be payable under the CMA, the amount of the fees, the time and manner of their payment, and the persons liable to pay them, and providing for charges for late payment of fees.
- 43 Section 105A of the CMA allows the Governor-General to, on recommendation of the Minister for Resources (the Minister), make regulations by Order in Council, for certain purposes, including:
 - 43.1 prescribing how royalties are to be calculated, or the rate or rates for royalties; and
 - 43.2 prescribing the due dates for the royalty payments and submitting royalty returns.
- 44 Section 19 of the CMA also allows the Governor-General, by Order in Council made on the recommendation of the Minister, to issue or change a minerals programme. The Minister must satisfy the relevant requirements of sections 15 to 18 of the CMA before recommending the making of an order. Section 15 does not apply in this case, as it requires the drafting of a minerals programme where necessary for a mineral or mineral group not already subject to a programme.

- 45 When proposing changes to a minerals programme the requirements include public notice of the draft minerals programme, notifying iwi and providing an opportunity for any person to make submissions on it, and make decisions based on the report and recommendations prepared by the chief executive on the submissions. I consider these requirements have been satisfied and complied with, other than section 15, which does not apply. See paragraphs 61 – 67 for further detail of how consultation on the draft Programmes satisfy these requirements.
- 46 To keep the Programmes practical and easy to use, some detailed information is provided through the incorporation by reference process rather than set out in full in the Programmes. The material to be incorporated by reference includes Crown Minerals Protocols, Relationship Instruments, Accords, and Agreements with iwi and hapū, and the lists of land to be excluded from the operation of the Programmes.
- 47 To satisfy the legal requirements (section 64 and 65 of the Legislation Act 2019) for incorporating material by reference in the Programmes, a public notification process was carried out as required under Schedule 2 of the Legislation Act 2019. Iwi and hapū were also contacted to ensure they were informed and engaged on these matters.

Regulations Review Committee

- 48 I do not consider there are grounds for the Regulations Review Committee to draw the Regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 49 The Parliamentary Counsel Office has certified the proposed Regulations as being in order for submission to Cabinet.

Impact Analysis

- 50 The Ministry for Regulation has determined that the proposals under the following regulations are exempt from the requirement to provide a Regulatory Impact Statement. The exemption is on the grounds that the proposals have no or only minor impacts on businesses, individuals, and not-for-profit entities in the context of decisions already taken on the legislative framework [ECO-24-MIN-0219].
- 50.1 Crown Minerals (Petroleum) Amendment Regulations 2025;
- 50.2 Crown Minerals (Minerals Other than Petroleum) Amendment Regulations 2025; and
- 50.3 Crown Minerals (Royalties for Minerals Other than Petroleum) Amendment Regulations 2025.
- 51 For the fee proposals under the Crown Minerals (Minerals Fees) Amendment Regulations 2025, a Stage 2 Cost Recovery Impact Statement (CRIS) was

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prepared by MBIE to analyse the proposed cost recovery model and fees for the new Tier 3 permit category. An exemption was granted for the Stage 1 CRIS for the fees on the basis that the policy rationale for having fees for mining permits has already been established.

- 52 MBIE's Regulatory Impact Assessment Review Panel assessed this Stage 2 CRIS as **meets** the criteria necessary for Ministers to make informed decisions on the proposals.
- 53 The Ministry for Regulation has confirmed, due to the nature of changes to the Crown Minerals (Petroleum Fees) Amendment Regulations 2025 (i.e. cross-referencing correct provisions to the CMA), MBIE can self-exempt from the requirement to provide a Regulatory Impact Statement on technical grounds.
- 54 The updated Programmes reflect policy decisions that have been made since 2013. Because no new policy decisions are being sought for the Programmes, a Regulatory Impact Assessment is not required.

Publicity

- 55 Following Cabinet agreement, I intend to issue Ministerial press releases on the availability of the new Tier 3 mineral permits and the introduction of the new method of allocation for petroleum prospecting and exploration permits (the open market application process).
- 56 MBIE officials will support with targeted communications to stakeholders. This will include communications to all iwi and hapū, and all who submitted on the Programmes as required by section 20 of the CMA.

Proactive release

- 57 I intend to release the Cabinet paper and minute of decision proactively within 30 business days.

Consultation

Consultation with agencies on the Regulations and Programmes

- 58 The following agencies were consulted on the Regulations referred to in paragraph 1.1-1.4 and on the Programmes: Te Tari Whakatau, Treasury, Department of Conservation, Ministry for the Environment, Ministry of Foreign Affairs and Trade, WorkSafe New Zealand, Ministry for Regulation, Land Information New Zealand and Te Puni Kōkiri. The Department of the Prime Minister and Cabinet was informed.

Targeted consultation with stakeholders and iwi on the Regulations

- 59 Relevant stakeholders were consulted on the Regulations referred to in paragraph 1.1-1.4 to test the clarity of the drafting and workability of implementation. MBIE received feedback from stakeholders only on the Crown Minerals (Petroleum) Amendment Regulations 2025. The feedback

included suggestions to improve the clarity of the drafting for some of the information requirements and amend requirements that would result in an unnecessary compliance burden. Most of this feedback was incorporated. Feedback received beyond the scope of the Regulations (i.e. on policy) was noted but not incorporated.

- 60 MBIE also reached out to consult with iwi and hapū, particularly those in the South Island that were originally consulted on the policy for the new Tier 3 permits, but no feedback was received.

Consultation with stakeholders, iwi and hapū on the Programmes

- 61 Section 17 of the CMA requires the Minister to ensure that public notice is given of any draft minerals programme. This includes:
- 61.1 publishing the draft programme on an internet site maintained by or on behalf of the chief executive;
 - 61.2 ensuring the public notice includes sufficient detail about the contents of the draft programme, the location of the internet site where it can be accessed, and information on how and by when submissions may be made; and
 - 61.3 providing notice of the draft programme to all iwi.
- 62 To satisfy the requirement outlined under paragraphs 61.1 and 61.2, the public notice was issued on 20 November 2024, and the draft programme was maintained on the New Zealand Petroleum and Minerals (NZP&M) website. Public consultation ran for 40 working days (as defined by the CMA), closing on 11 February 2025.
- 63 Further to the consultation requirements in the CMA, to uphold the Crown's obligations under Treaty of Waitangi, and honour commitments with iwi and hapū my officials also engaged with iwi and hapū prior to and during the formal consultation period. This engagement included ten regional hui, in person and online.
- 64 To satisfy the notification requirement outlined under paragraph 61.3, an email was sent to all iwi listed on the Te Puni Kōkiri website, including an offer to meet with officials to discuss the Programmes. Further targeted communications were also sent to iwi and hapū subscribed to NZP&M communications.
- 65 During the consultation period my officials also met with key industry groups including the New Zealand Minerals Council and Energy Resources Aotearoa to understand their perspectives on the proposed amendments to the Programmes. These meetings gave stakeholders an opportunity to provide feedback directly to MBIE officials, and some parties also subsequently provided written feedback via the public consultation process.

- 66 MBIE prepared a comprehensive report summarising key areas of comment from submissions and provided recommendations to me on areas of the Programmes that received significant comment.
- 67 In making my decisions on the final content of the Programmes, I considered the submissions (as required by section 18 of the CMA), the policy objectives underpinning the Programmes, and the Crown's obligations under Treaty of Waitangi.

Recommendations

I recommend that the Cabinet Legislation Committee:

Commencement of the Tier 3 permit and transitional provisions

- 1 **agree** to commence, by Order in Council, the Tier 3 permit and transitional provisions introduced within the Crown Minerals Act 1991(CMA) on 25 September 2025;
- 2 **note** that the Crown Minerals Amendment Act 2025 Commencement Order 2025 has been drafted to give effect to this decision;

Regulations under the CMA

- 3 **note** that on 30 September 2024, Cabinet agreed to proposed amendments to regulations under the CMA covering application, information and royalty requirements to support the implementation of different Petroleum Exploration Permit application methods and the new Tier 3 permit category [ECO-24-MIN-0219];
- 4 **note** during the development of the regulations for the Tier 3 permit category, Ministry of Business, Innovation and Employment (MBIE) officials identified one policy decision made by Cabinet on giving effect to mapping standards that would be complex to draft and go against the policy intent of streamlining application and reporting requirements for Tier 3 permits to reduce regulatory burden;
- 5 **agree** to rescind the Cabinet decision of 30 September 2024 (paragraph 7 of ECO-24-MIN-0219), to amend the Crown Minerals (Minerals Other than Petroleum) Regulations 2007 to give effect to the *mapping standards for minerals permit applications* ('mapping standards') for all Tier 3 applications involving land area, so that these applications are accompanied by a map and digital plot in accordance with the standards and provide for accurate spatial positioning of those Tier 3 permits;
- 6 **agree** to amend the Cabinet decision of 30 September 2024 (paragraph 8.4 and 10.3 of ECO-24-MIN-0219) so that the references to "and digital plot" and "(in accordance with the published mapping standards)" are removed;
- 7 **note** that on 31 March 2025, Cabinet agreed to amend regulations under the CMA to set fees for Tier 3 permits [EXP-25-MIN-0017];

- 8 **note** on 30 June 2025, Cabinet agreed to make consequential changes to the Crown Minerals (Petroleum) Regulations 2007, Crown Minerals (Petroleum Fees) Regulations 2016, Crown Minerals (Minerals Other than Petroleum) Regulations 2007, and Crown Minerals (Minerals Fees) Regulations 2016 as part of the package of regulations required to implement the Crown Minerals Amendment Bill [LEG-25-MIN-0119];
- 9 **note** that the Crown Minerals (Minerals Other than Petroleum) Amendment Regulations 2025, Crown Minerals (Royalties for Minerals Other than Petroleum) Amendment Regulations 2025, Crown Minerals (Minerals Fees) Amendment Regulations 2025, Crown Minerals (Petroleum) Amendment Regulations 2025 and Crown Minerals (Petroleum Fees) Amendment Regulations 2025 will give effect to the decisions referred to in recommendations 3, 4, 5, 6, 7 and 8 above;

Compliance with empowering provisions for regulations under the CMA

- 10 **note** that section 105 of the CMA allows the Governor-General to make regulations by Order in Council for certain purposes, including:
- 10.1 prescribing the information to be provided with applications for permits;
 - 10.2 prescribing conditions on which permits may be applied for, granted, changed, or extended;
 - 10.3 prescribing the manner in which persons wishing to apply for permits in respect of any land are to mark out or identify the land and prescribing a graticular system for the purpose of defining areas or parts of areas comprised in permits, applications for permits, or extensions of permits;
 - 10.4 prescribing matters in respect of which fees are to be payable under the CMA, the amount of the fees, the time and manner of their payment, and the persons liable to pay them, and providing for charges for late payment of fees;
- 11 **note** that section 105A of the CMA allows the Governor-General to, on recommendation of the Minister for Resources, make regulations by Order in Council, for certain purposes, including:
- 11.1 prescribing how royalties are to be calculated, or the rate or rates for royalties;
 - 11.2 prescribing the due dates for the royalty payments and submitting royalty returns;
- 12 **note** the advice of the Minister is that the requirements in section 105 of the CMA have been met for the following regulations:
- 12.1 Crown Minerals (Minerals Other than Petroleum) Amendment Regulations 2025;
 - 12.2 Crown Minerals (Minerals Fees) Amendment Regulations 2025;

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- 12.3 Crown Minerals (Petroleum) Amendment Regulations 2025;
- 12.4 Crown Minerals (Petroleum Fees) Amendment Regulations 2025;
- 13 **note** the advice of the Minister is the requirements in section 105A of the CMA have been met for the Crown Minerals (Royalties for Minerals Other than Petroleum) Amendment Regulations 2025;
- 14 **authorise** the submission to the Executive Council of the:
 - 14.1 Crown Minerals (Minerals Other than Petroleum) Amendment Regulations 2025;
 - 14.2 Crown Minerals (Royalties for Minerals Other than Petroleum) Amendment Regulations 2025;
 - 14.3 Crown Minerals (Minerals Fees) Amendment Regulations 2025;
 - 14.4 Crown Minerals (Petroleum) Amendment Regulations 2025;
 - 14.5 Crown Minerals (Petroleum Fees) Amendment Regulations 2025;
 - 14.6 Crown Minerals Amendment Act 2025 Commencement Order 2025;
- 15 **note** that the Regulations referred to in recommendation 14.1, 14.2, 14.3, 14.4 and 14.5 and the Commencement Order referred to in recommendation 14.6 will come into force on 25 September 2025, 28 days after they have been notified in the New Zealand Gazette;

Programmes under the CMA

- 16 **note** that on 23 September 2024, I provided an update to Cabinet that I would be progressing changes to the Programmes to reflect recent proposed changes to the CMA and undertake public consultation on the changes [LEG-24-MIN-0193];
- 17 **note** that the Minerals Programme for Petroleum 2025 and the Minerals Programme for Minerals (Excluding Petroleum) 2025 have been updated to reflect the Crown Minerals Amendment Act 2025, historic changes, and to address errors and regulatory inefficiencies;

Compliance with empowering provisions and relevant statutory prerequisites for the programmes under the CMA

- 18 **note** that before recommending the Governor-General issue a new or amended minerals programme by Order in Council section 19 of the CMA requires the Minister first satisfy the procedural requirements set out in sections 15 to 18 of the CMA. Specifically, the Minister must:
 - 18.1 propose draft changes to a minerals programme (section 16);

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- 18.2 give public notice of the draft changes to a minerals programme, including making it available online, notifying all iwi, and indicating that submissions may be made, and how and by what date they may be made (section 17);
- 18.3 consider a report and recommendations made by the chief executive in respect of all submissions on the draft changes to a minerals programme, and make such changes to the draft minerals programme as the Minister thinks fit (section 18);
- 19 **note** that section 15 of the CMA is not relevant to the Orders as it relates to preparing a draft minerals programme for Crown-owned minerals where there is no minerals programme for those minerals;
- 20 **note** the advice of the Minister is the requirements in sections 16 to 18 of the CMA have been met for the Minerals Programme for Petroleum Order 2025 and the Minerals Programme for Minerals (Excluding Petroleum) Order 2025;
- 21 **note** that the advice of the Minister is the requirements in sections 64 and 65 of the Legislation Act 2019 have been met for incorporating material by reference in the Minerals Programme for Petroleum Order 2025 and the Minerals Programme for Minerals (Excluding Petroleum) Order 2025;
- 22 **authorise** the submission to the Executive Council of the:
- 22.1 The Minerals Programme for Petroleum Order 2025; and
- 22.2 The Minerals Programme for Minerals (Excluding Petroleum) Order 2025;
- 23 **note** that the Programmes referred to in recommendation 22.1 and 22.2 will come into force on 25 September 2025, 28 days after they have been notified in the New Zealand Gazette.

Authorised for lodgement

Hon Shane Jones

Minister for Resources

Appendices

Appendix One: Crown Minerals (Minerals Other than Petroleum) Amendment Regulations 2025

Appendix Two: Crown Minerals (Royalties for Minerals Other than Petroleum) Amendment Regulations 2025

Appendix Three: Crown Minerals (Minerals Fees) Amendment Regulations 2025

Appendix Four: Crown Minerals (Petroleum) Amendment Regulations 2025

Appendix Five: Crown Minerals (Petroleum Fees) Amendment Regulations 2025

Appendix Six: Crown Minerals Amendment Act 2025 (Tier 3) Commencement Order 2025

Appendix Seven: The Minerals Programme for Petroleum Order 2025

Appendix Eight: The Minerals Programme for Minerals (Excluding Petroleum) Order 2025