

# **Crown Minerals Amendment Act 2003**

Public Act 2003 No 45  
Date of assent 20 August 2003

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

- (1) This Act is the Crown Minerals Amendment Act 2003.
- (2) In this Act, the Crown Minerals Act 1991 is called “the principal Act”.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1**

**Amendments relating to Crown owned minerals**

**3 Interpretation**

Section 2 of the principal Act is amended by omitting from paragraph (a) of the definition of **occupier** the words “(other than minimum impact activity)”.

**4 New section 25A inserted**

The principal Act is amended by inserting, after section 25, the following section:

**“25A Record of permit**

- “(1) On the granting of a permit, the Secretary must forward 1 copy of the permit to the permit holder.
- “(2) The Secretary must also forward 1 copy of the permit to the Registrar of the Maori Land Court if the permit was granted in respect of Maori land.
- “(3) On receipt of a copy of a permit under subsection (2), the Registrar of the Maori Land Court must enter in his or her records the particulars of the permit.”

**5 Change to permit**

- (1) Section 36(1) of the principal Act is amended—
- (a) by omitting the expression “section 38”, and substituting the words “sections 37 and 38” ; and
  - (b) by inserting, after the words “permit relates,”, the words “or decrease the minerals to which the permit relates,” ; and
  - (c) by omitting the words “a certificate of change of conditions or a certificate of extension, as the case may be”, and substituting the words “a certificate of change to the permit”.
- (2) Section 36 of the principal Act is amended by repealing subsection (4), and substituting the following subsections:
- “(4) The duration of a prospecting permit may not be changed under this section to any date that is more than 4 years from the commencement date of the permit.
- “(4A) The duration of an exploration permit must not be changed under this section and may only be changed under section 37.”
- (3) Section 36 is amended by inserting, after subsection (5), the following subsections:
- “(5A) A permit that is the subject of an application for an extension of duration under this section or section 37 continues in force until the Minister determines the application.

“(5B) On the granting of a certificate of change in relation to a permit, the Secretary must forward 1 copy of the certificate of change to the permit holder.

“(5C) If the certificate of change is for an extension of land to which a permit relates and that extension of land was granted in respect of Maori land, the Secretary must also forward 1 copy of the certificate to the Registrar of the Maori Land Court.

“(5D) On receiving a copy of a certificate of change under subsection (5C), the Registrar of the Maori Land Court must enter in his or her records the particulars of that certificate.”

## **6 Revocation of permit**

Section 39 of the principal Act is amended by adding the following subsection:

“(9) Subsection (8) applies only to permits granted before the commencement of the Crown Minerals Amendment Act 2003.”

## **7 Surrender of permit**

Section 40 of the principal Act is amended by inserting, after subsection (9), the following subsection:

“(9A) Subsection (9) applies only to permits granted before the commencement of the Crown Minerals Amendment Act 2003.”

## **8 Transfers and other dealings with permits**

Section 41 of the principal Act is amended—

- (a) by repealing subsection (7); and
- (b) by omitting from subsection (8) the words “in respect of petroleum” ; and
- (c) by repealing subsections (9) to (13).

## **9 Unit development**

(1) Section 46(1) of the principal Act is amended—

- (a) by inserting in paragraph (a), after the words “2 or more permits”, the words “or existing privileges” ; and
- (b) by inserting in paragraph (b), after the words “all relevant permit”, the words “or existing privilege” ; and
- (c) by inserting in paragraph (b), after the words “whose permits”, the words “or existing privileges” ; and

- (d) by inserting, after the words “one or more of the permit”, the words “or existing privilege” ; and
  - (e) by inserting, after the words “all the permit”, the words “or existing privilege” ; and
  - (f) by inserting, after the words “as a unit by the permit”, the words “or existing privilege”.
- (2) Section 46(3) is amended by inserting, after the words “the permit” in both places where they appear, the words “or existing privilege”.
  - (3) Section 46(4) is amended by inserting, after the words “the permit” in both places where they appear, the words “or existing privilege”.

**10 Section 81 repealed**

Section 81 of the principal Act is repealed.

**11 Section 82 repealed**

Section 82 of the principal Act is repealed.

**12 Entry of permit and access particulars acts as notice only**

Section 84 of the principal Act is amended by adding, as subsection (2), the following subsection:

- “(2) This section does not apply to particulars of a permit granted after the commencement of the Crown Minerals Amendment Act 2003.”

**13 Land Transfer Act 1952 not to limit or affect rights under permits or rights of access**

Section 85 of the principal Act is amended by adding, as subsection (2), the following subsection:

- “(2) This section does not apply to particulars of a permit granted after the commencement of the Crown Minerals Amendment Act 2003.”

**14 Notation of mineral ownership on land titles**

- (1) Section 86(3) of the principal Act is amended by repealing paragraph (b).

- (2) Section 86(5) of the principal Act is amended by omitting the words “, copies of a permit or certificate of extension, or instrument, as the case may be”, and substituting the words “or instrument”.

**15 Certified copies of permits, certificates, and other documents to be evidence**

- (1) The heading to section 87 of the principal Act is amended by omitting the words “permits, certificates, and other”.
- (2) Section 87(1) of the principal Act is amended by omitting the words “permit or other”.
- (3) Section 87(2) of the principal Act is amended by omitting the words “original permit or other”.

**16 Recorded documents to be open for search**

Section 88 of the principal Act is amended by omitting the words “permit or other”.

**17 Revision of records**

Section 89 of the principal Act is amended by adding, as subsection (2), the following subsection:

- “(2) This section applies only to permits lodged before the commencement of the Crown Minerals Amendment Act 2003.”

**18 Reports to Secretary**

Section 90 of the principal Act is amended by inserting, after subsection (7), the following subsection:

- “(7A) Nothing in subsection (4) or subsection (7) requires the Secretary to send or make available any records, reports, information, or returns relating to the calculation and payment of royalties by permit holders.”

**19 New section 91A inserted**

The principal Act is amended by inserting, after section 91, the following section:

**“91A Correction of errors or omissions**

The Secretary may correct any clerical error or omission in a permit document that was made by the department of State

that is for the time being responsible for the administration of this Act.”

## **Part 2**

### **Amendments to transitional provisions relating to minerals**

#### **20 Existing privileges to continue**

Section 107(2) of the principal Act is amended by inserting, after the expression “section 111(2)”, the words “or section 111A”.

#### **21 Administration of existing privileges**

Section 108 of the principal Act is amended by adding the following subsection:

- “(9) Despite section 107(1)(c), the functions, powers, and duties—
- “(a) that before the commencement of this Act would have been exercisable by an inspector and that would have arisen in respect of an existing privilege, or of any condition of an existing privilege, or of any provisions of an Act that relate to an existing privilege; and
  - “(b) that concern matters that are not within the functions of a local authority under section 30 or section 31 of the Resource Management Act 1991 or an inspector under section 29(1) of the Health and Safety in Employment Act 1992—
- are exercisable by the Secretary, and the provisions of the Act relating to the existing privilege, with all the necessary modifications, apply accordingly.”

#### **22 New section 111 substituted**

The principal Act is amended by repealing section 111, and substituting the following section:

##### **“111 Right to new permits**

- “(1) If, after 5 pm on 19 September 2002, a holder of an existing privilege makes an application to which any of the enactments specified in subsection (2) would have applied if this Act or the Crown Minerals Amendment Act 2003 had not been enacted, then, despite section 107,—

- “(a) the Acts specified in subsection (2) do not apply in respect of the application; but
  - “(b) this Act (including, in particular, section 32) applies in respect of the application for Crown owned minerals as if the existing privilege were a minerals permit of the appropriate kind.
- “(2) The enactments for the purposes of subsection (1) are
- “(a) sections 57A, 68, and 77 of the Mining Act 1971:
  - “(b) sections 40 and 48 of the Coal Mines Act 1979:
  - “(c) section 11 of the Petroleum Act 1937.
- “(3) The rights of any person who has made an application referred to in this section before 5 pm on 19 September 2002 must be determined under the final judgment, decision, or order given or made (including any appeal) in the proceedings *Glenharrow Holdings Limited v The Attorney-General and Te Runanga O Ngai Tahu* (filed in the High Court of New Zealand at Wellington under CP 242/00).”

### 23 New section 111A inserted

The principal Act is amended by inserting, after section 111, the following section:

#### “111A No application under section 103D of Mining Act 1971 for extension of duration of mining privilege

- “(1) No extension of the duration of a mining privilege may be granted on an application for a variation of conditions under section 103D of the Mining Act 1971 made after 5 pm on 19 September 2002.
- “(2) The rights of any person who has made an application for an extension of duration of a mining privilege under section 103D of the Mining Act 1971 before 5 pm on 19 September 2002 must be determined under the final judgment, decision, or order given or made (including any appeal) in the proceedings in *Glenharrow Holdings Limited v The Attorney-General and Te Runanga O Ngai Tahu* (filed in the High Court of New Zealand at Wellington under CP 242/00).”



**24 New section 119A inserted**

The principal Act is amended by inserting, after section 119, the following section:

**“119A No compensation**

No person is entitled to compensation from the Crown in respect of any losses arising from—

- “(a) the loss of the right to apply for a new mining licence under section 77 of the Mining Act 1971:
- “(b) the loss of the right to apply for a new coal mining licence under section 48 of the Coal Mines Act 1979:
- “(c) the loss of the right to apply for an extension to the duration of a mining privilege under section 103D of the Mining Act 1971.”

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**Legislative history**

28 November 2001  
18 December 2001  
23 December 2002  
31 July 2003  
5, 8 August 2003  
14 August 2003

Introduction (Bill 174-1)  
First reading and referral to Commerce Committee  
Reported from Commerce Committee (Bill 174-2)  
Second reading  
Committee of the whole House  
Third reading

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