



# Crown Minerals (Minerals Other than Petroleum) Amendment Regulations 2024

Cindy Kiro, Governor-General

## Order in Council

At Wellington this 7th day of May 2024

Present:

The Right Hon Christopher Luxon presiding in Council

These regulations are made under section 105(1) of the Crown Minerals Act 1991 on the advice and with the consent of the Executive Council.

### Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations	2
4	Regulation 3 amended (Interpretation)	2
5	New regulation 5A inserted (Transitional, savings, and related provisions)	2
	5A Transitional, savings, and related provisions	2
6	New regulation 28A inserted (Application for consent for change of control of permit operator of Tier 1 permit)	2
	28A Application for consent to change of control of permit operator of Tier 1 permit	2
7	New Schedule 1 inserted	3
8	Schedule 3 amended	3
	<b>Schedule 1</b>	<b>4</b>
	<b>New Schedule 1 inserted</b>	

**Schedule 2**  
**New Part 9 inserted into Schedule 3**

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**Regulations****1 Title**

These regulations are the Crown Minerals (Minerals Other than Petroleum) Amendment Regulations 2024.

**2 Commencement**

These regulations come into force on 6 June 2024.

**3 Principal regulations**

These regulations amend the Crown Minerals (Minerals Other than Petroleum) Regulations 2007.

**4 Regulation 3 amended (Interpretation)**

In regulation 3(1), replace the definition of **Minister** with:

**Minister** means the Minister for Resources

**5 New regulation 5A inserted (Transitional, savings, and related provisions)**

After regulation 5, insert:

**5A Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

**6 New regulation 28A inserted (Application for consent for change of control of permit operator of Tier 1 permit)**

After regulation 28, insert:

**28A Application for consent to change of control of permit operator of Tier 1 permit**

- (1) This regulation applies to an application for consent to a change of control of a permit operator under section 41AC of the Act.
- (2) An application must be signed by—
  - (a) each relevant person that makes the application; or
  - (b) a person authorised to sign on behalf of each of those persons.
- (3) The application must be accompanied by—
  - (a) the prescribed fee, or evidence that the fee has been paid; and
  - (b) the information described in Part 9 of Schedule 3; and

- (c) the information or documents required under section 41AC of the Act.
- (4) The application and accompanying material must be lodged with the chief executive.
- (5) In this regulation and Part 9 of Schedule 3, **relevant person** means a person referred to in section 41AA(1) of the Act who is proposed to obtain the power referred to in that subsection.

**7 New Schedule 1 inserted**

Insert the Schedule 1 set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

**8 Schedule 3 amended**

- (1) In the Schedule 3 heading, after “27(2)(b)”, insert “, 28A(3)(b)”.
- (2) In Schedule 3, after Part 8, insert the Part 9 set out in Schedule 2 of these regulations.

**Schedule 1  
New Schedule 1 inserted**

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**Schedule 1  
Transitional, savings, and related provisions**

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**Part 1  
Provision relating to Crown Minerals (Minerals Other than  
Petroleum) Amendment Regulations 2024**

**1 Requirements for applications under section 41AC of Act**

The requirements in regulation 28A for an application under section 41AC of the Act apply only to applications made on or after 6 June 2024.

## Schedule 2

### New Part 9 inserted into Schedule 3

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#### Part 9

#### Information to accompany application under regulation 28A for consent to change of control of permit operator of Tier 1 permit

- 1 The reference number of the permit concerned.
- 2 The particulars of the person who is responsible for the application.
- 3 A statement of the reasons why, in the relevant person's opinion, the Minister should consent to the change of control, including—
  - (a) a statement of the technical qualifications and financial resources of the permit holder (given the proposed change of control), including—
    - (i) a summary of the activities of a substantially similar kind to those in the work programme for the permit that each relevant person has undertaken or is undertaking in New Zealand or overseas; and
    - (ii) the following information about each individual who will have, or is likely to have, authority and responsibility for planning, directing, and managing the activities of the permit holder:
      - (A) full name:
      - (B) a summary of relevant qualifications and experience; and
    - (iii) an estimate of the minimum expenditure required to complete any uncompleted work programme obligations under the permit that have a specified due date; and
  - (b) a statement of the permit holder's capability, given the proposed change of control, to comply with the relevant obligations under the Act, and the regulations made under the Act, in respect of reporting and the payment of fees and royalties; and
  - (c) a summary of the following in respect of each relevant person:
    - (i) their past and current contraventions of a work programme for a permit (if any):
    - (ii) their past and current contraventions of obligations under the Act or the regulations made under the Act in respect of reporting and the payment of fees and royalties (if any):
    - (iii) their past and current contraventions of the law of an overseas jurisdiction that are substantially similar to the contraventions referred to in subparagraph (i) or (ii) (if any); and

- (d) a statement about the capability and systems that the permit operator, after undergoing the change of control, will have, or is highly likely to have by the time the relevant work in the permit is undertaken, to meet the health and safety requirements of the Health and Safety at Work Act 2015 (the **requirements**) for the types of activities to be carried out under the permit; and

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**Examples**

The statement may include information on the following:

- the principal hazard management plan:
- health and safety policy statements:
- particular health and safety procedures:
- health and safety risk assessment procedures:
- plans for developing, or maintaining and reviewing, those plans, statements, or procedures.

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- (e) a statement on any other matter that the relevant person considers relevant to support the application.

4 The statement under clause 3(d) must include sufficient information to demonstrate—

- (a) how the requirements apply for the types of activities to be carried out under the permit; and
- (b) how the requirements will be met.

Rachel Hayward,  
Clerk of the Executive Council.

## Explanatory note

*This note is not part of the regulations but is intended to indicate their general effect.*

These regulations, which come into force on 6 June 2024, extend application requirements under the Crown Minerals (Minerals Other than Petroleum) Regulations 2007 to an application under section 41AC of the Crown Minerals Act 1991. The application is for the consent of the Minister for Resources to a change of control of a permit operator of a Tier 1 permit that relates to minerals other than petroleum.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 9 May 2024.

These regulations are administered by the Ministry of Business, Innovation, and Employment.