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**COROMANDEL HAURAKI GULF (PROHIBITION ON MINING)**

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ANALYSIS

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A BILL INTITULED

**An Act to prohibit mining in certain protected areas in the Coromandel Peninsula and Hauraki Gulf Islands and to amend certain other enactments**

5 BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Coromandel Hauraki Gulf (Prohibition on Mining) Act 1995.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

- 10 “Coastal marine area” has the same meaning as in section 2 (1) of the Resource Management Act 1991:  
“Foreshore” has the same meaning as in section 2 (1) of the Resource Management Act 1991:  
15 “Land” has the same meaning as in section 2 (1) of the Crown Minerals Act 1991:  
“Mine”, as a verb, means to carry on mining:  
“Mineral” has the same meaning as in section 2 (1) of the Crown Minerals Act 1991:  
20 “Mining” means mining operations or minimum impact activity within the meaning of the Crown Minerals Act 1991; and includes—

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(a) Prospecting, exploration, or mining within the meaning of the Crown Minerals Act 1991:

(b) The removal of material that had been permitted under section 146A of the Harbours Act 1950 and continues under section 384 or section 425 of the Resource Management Act 1991;— 5  
but does not include the removal of gravel, shingle, stone, or other material for construction purposes:

“Mining right” includes the following:

(a) A prospecting permit or an exploration permit or a mining permit granted under the Crown Minerals Act 1991: 10

(b) An existing privilege within the meaning of section 106 of the Crown Minerals Act 1991:

(c) A minimum impact activity carried out under the Crown Minerals Act 1991: 15

(d) Any application for a mining privilege finally determined under section 112 of the Crown Minerals Act 1991:

(e) A licence that had been issued under section 146A of the Harbours Act 1950 and continues in force under section 384 or section 425 of the Resource Management Act 1991: 20

“Protected area” means the following:

(a) Land within the Hauraki Gulf Islands, the Coromandel Ecological Region, the Hauraki, Waihi, and Te Aroha Ecological Districts in the Bay of Plenty Ecological Region held or managed under the Conservation Act 1987, or any other Act specified in the First Schedule to the Conservation Act 1987: 25 30

(b) The coastal marine area abutting land within the boundaries of the Coromandel Ecological Region and Hauraki Gulf Islands (and includes the Thames Coromandel District Council, the Hauraki District Council, the Western Bay of Plenty District Council, and the Tauranga District Council). 35

### **3. Prohibition of mining in protected area—**

Notwithstanding anything to the contrary in any other enactment, no person shall mine for any mineral in the protected area. 40

**4. Offence to mine in protected area—**Every person who contravenes **section 3** of this Act commits an offence and is liable on summary conviction,—

- 5 (a) In the case of an individual, to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$10,000, and, where the offence is a continuing one, to a further fine not exceeding \$1,000 for every day on which the offence has continued:
- (b) In the case of any other person, to a fine not exceeding \$80,000, and, where the offence is a continuing one, to a further fine not exceeding \$10,000 for every day on which the offence has continued.

10 **5. Transitional provisions relating to existing mining rights**—Every mining right that is in force at the commencement of this Act and applies in respect of any protected area shall continue in force according to its tenor, but shall not be renewed or extended in respect of that area.

15 **6. Transitional provisions relating to applications for grant of mining rights**—(1) The following provisions shall apply to every application for the grant of a mining right in respect of any protected area to which section 61 of the Crown Minerals Act 1991 applies that has been made but has not  
20 been finally dealt with before the commencement of this Act:

(a) Any access arrangement agreed to or consent given by the Minister of Conservation before the commencement of this Act, in respect of any application to which this subsection applies, shall be  
25 reconsidered by that Minister:

(b) The Minister of Conservation, having regard to the effect of the proposed mining and the desirability of mining in that protected area concerned, may either revoke or confirm the earlier access arrangement or  
30 consent:

(c) The proposed mining right shall not be granted if the Minister of Conservation revokes the earlier access arrangement or consent.

35 (2) The following provisions shall apply to every application for the grant of any mining right in respect of any protected area, other than an application to which **subsection (1)** of this section applies, that has been made but has not been finally determined before the commencement of this Act:

40 (a) No mining right shall be granted in respect of any application to which this subsection applies:

(b) Every access arrangement agreed to or consent given by any Minister other than the Minister of Energy, in

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respect of any application to which this subsection applies, is hereby revoked.

**7. Effect of sections 5 and 6**—The provisions of sections 5 and 6 of this Act shall have effect notwithstanding anything in any other enactment. 5

**8. Claims under Treaty of Waitangi Act 1975**—Nothing in this Act shall affect or limit any claim submitted under the Treaty of Waitangi Act 1975.

**9. Amendments to other Acts**—The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule. 10

Section 9

SCHEDULE  
ENACTMENTS AMENDED

Title of Act	Amendment
1987, No. 65—The Conservation Act 1987	By inserting in the First Schedule, in its appropriate alphabetical order, the item “The Coromandel Hauraki Gulf (Prohibition on Mining) Act 1995”.
1991, No. 70—The Crown Minerals Act 1991	By inserting in section 61, after subsection (3), the following subsection: “(4) Notwithstanding any other provision of this section, nothing in this section shall authorise mining operations in any protected area within the meaning of the Coromandel Hauraki Gulf (Prohibition on Mining) Act 1995.” By repealing subsection (3) of section 62, and substituting the following subsection: “(3) No access arrangement shall be made in respect of any land subject to an Order in Council under subsection (1) or any protected area within the meaning of the Coromandel Hauraki Gulf (Prohibition on Mining) Act 1995.”