



Crown Minerals (Minerals Fees) Regulations 2006

Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 22nd day of August 2006

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 105(1)(i) and (j) of the Crown Minerals Act 1991, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- Title**
These regulations are the Crown Minerals (Minerals Fees) Regulations 2006.
- Commencement**
These regulations come into force on 22 September 2006.
- Application of regulations**
These regulations do not apply in respect of any matter for which a fee is payable under the Crown Minerals (Petroleum

Fees) Regulations 1993 or the Crown Minerals (Petroleum Fees) Regulations 2006.

4 Interpretation

(1) In these regulations—

Act means the Crown Minerals Act 1991

old regulations means the Crown Minerals (Fees) Regulations 1991

year means a period of 12 months beginning on 1 July and ending with 30 June.

(2) Any term that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

Part 1

Annual fees for years beginning on or after 1 July 2007 and for permits granted or extended on or after 22 September 2006

5 Application

The annual fees in this Part apply to—

- (a) any year beginning on or after 1 July 2007; and
- (b) any permit granted or extended under section 37(1) or (2) of the Act, on or after 22 September 2006.

6 Annual fee payable under prospecting permit

The annual fee payable under a prospecting permit is \$3.50 per square kilometre or part of a square kilometre or \$500.00, whichever is the greater.

7 Annual fee payable under exploration permit

The annual fee payable under an exploration permit is,—

- (a) for the initial term of the permit, \$3.50 per hectare or part of a hectare or \$500.00, whichever is the greater;
- (b) under an extension of the duration of the permit under section 37(1) of the Act, \$8.50 per hectare or part of a hectare or \$500.00, whichever is the greater.

8 Annual fee payable under extension of duration of exploration permit for appraisal work

The annual fee payable under an extension of the duration of an exploration permit under section 37(2) of the Act is \$8.50 per hectare or part of a hectare or \$500.00, whichever is the greater.

9 Annual fee payable under mining permit

The annual fee payable under a mining permit is \$10.00 per hectare or part of a hectare or \$500.00, whichever is the greater.

10 When annual fee is payable

The annual fees payable under regulations 6 to 9 are payable annually in advance within 30 days after 1 July.

11 Special rules for annual fees payable in respect of permits granted or extended during year

Despite regulations 6 to 10,—

- (a) if the permit in respect of which the fee is payable is granted during the year,—
 - (i) the first payment of the annual fee must be made within 30 days after the date of the grant of the permit; and
 - (ii) the amount of the payment is the proportion of the annual fee that corresponds to the proportion of the year left to run on the date of the grant of the permit; and
- (b) if the extension of the duration of the permit under section 37(1) or (2) of the Act in respect of which the fee is payable is granted during the year,—
 - (i) the first payment of the annual fee must be made within 30 days after the date of the grant of the extension; and
 - (ii) the amount of the payment is the proportion of the annual fee that corresponds to the proportion of the year left to run on the date of the grant of the extension.

Part 2

Fees other than annual fees

12 Application and other fees

The fees specified in the Schedule are prescribed as the fees payable in respect of any matter specified in that schedule that occurs on or after the date of commencement of these regulations.

Part 3

Transitional provisions for additional annual fees and for refunds for certain permits for year beginning on 1 July 2006

Additional fees

13 Application

Regulations 14 to 16 apply to the year beginning on 1 July 2006 except to the extent that—

- (a) a permit is granted or extended under section 37(1) or (2) of the Act, on or after 22 September 2006; or
- (b) a permit is surrendered, is revoked, or expires before 1 January 2007.

14 2006/07 additional fee payable under prospecting permit

The 2006/07 additional fee payable under a prospecting permit is the greater of—

- (a) 62 cents per square kilometre or part of a square kilometre; or
- (b) \$250.00 minus the amount payable under regulation 3 of the old regulations.

15 2006/07 additional fee payable under exploration permit

The 2006/07 additional fee payable under an exploration permit,—

- (a) for the initial term of the permit, is the greater of—
 - (i) 62 cents per hectare or part of a hectare; or
 - (ii) \$250.00 minus the amount payable under regulation 4(1)(a) of the old regulations;
- (b) for a permit extended under section 37(1) of the Act, is the greater of—
 - (i) \$2.00 per hectare or part of a hectare; or

- (ii) \$250.00 minus the amount payable under regulation 4(1)(b) of the old regulations.

16 When 2006/07 additional fee is payable

The additional fees payable under regulations 14 and 15 are payable within 30 days after 1 January 2007.

Refunds

17 Partial refund of annual fee paid under mining permit

The Secretary must refund the sum of 63 cents per hectare or part of a hectare in respect of annual fees paid under regulation 5 of the old regulations for the year beginning 1 July 2006.

18 When refunds of fees are payable

The refund of fees by the Secretary under regulation 17 must be paid within 30 days after 1 January 2007.

**Part 4
Miscellaneous**

19 Refund of fees

- (1) Application fees paid under the Act are not refundable on the withdrawal, rejection, or refusal of the application, except with the approval of the Minister.
- (2) The Minister may approve the refund of the total fee or part of the fee if the Minister considers that exceptional circumstances warrant the payment of a refund.

20 GST included

The fees prescribed by these regulations are inclusive of goods and services tax.

21 Revocation and saving

- (1) The Crown Minerals (Fees) Regulations 1991 (SR 1991/207) are revoked on the commencement of these regulations.
- (2) Despite subclause (1), the following provisions of the Crown Minerals (Fees) Regulations 1991 continue to apply, for the year beginning 1 July 2006, in respect of permits granted or renewed before 22 September 2006:

- (a) regulation 3(1) to (3) in respect of prospecting permits:
- (b) regulation 4 (1) to (3) in respect of exploration permits:
- (c) regulation 5 (1) to (3) in respect of mining permits.

Schedule Application fees

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Application fees	\$
Application for prospecting permit	1,600
Application for exploration permit	2,300
Application for mining permit	3,200
Application for certificate of extension of minerals	2,500
Application for certificate of extension of land to which permit relates	2,500
Application for certificate of extension of duration of permit under section 37(1) of the Act	2,500
Application for certificate of extension of duration permit for appraisal work under section 37(2) of the Act	3,200
Application for certificate of change of permit condition	2,500
Application for Minister's consent to transfer of permit	600

Diane Morcom,
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 22 September 2006, revoke and replace the Crown Minerals (Fees) Regulations 1991 (the **old regulations**).

The regulations prescribe the various fees payable under the Crown Minerals Act 1991 (the **Act**) but do not apply in respect of any matter for which a fee is payable under the Crown Minerals (Petroleum Fees) Regulations 1993 or Crown Minerals (Petroleum Fees) Regulations 2006.

The principal changes in fees payable include the following:

- abolition of miscellaneous fees for copying information, application fees for duplicate permits, lodgement fees for

permit surrenders, and application fees for requesting the appointment of an arbitrator:

- reduction of annual fees for mining permits, and fees for applications under section 41 of the Act for the Minister's consent to the transfer of or other dealings with a permit;
- an increase in all application fees for prospecting, exploration, and mining permits, changes to permits, and extensions of duration of permits, and in annual fees payable under prospecting and exploration permits;
- introduction of a new annual fee, payable under the extension of duration of a permit under section 37(2) of the Act to carry out appraisal work;
- reduction of the frequency of annual fee payments;
- abolition of penalties for late payment of annual fees for prospecting, exploration, and mining permits.

Annual fees

Part 1 prescribes new annual fees. These apply to—

- any year beginning on or after 1 July 2007; and
- any permit granted or extended under section 37(1) or (2) of the Act on or after 22 September 2006.

The new annual fees are payable yearly in advance within 30 days after 1 July.

Part 3 prescribes the annual fees payable for the year beginning 1 July 2006. The annual fees payable under the old regulations in respect of prospecting, exploration, and mining permits continue to apply (*regulation 21(2)*) but—

- *regulations 14 and 15* prescribe fees that must be paid, in addition to the annual fees payable under the old regulations, as 2006/07 additional fees in the case of prospecting and exploration permits. These additional fees do not apply in respect of a permit granted or extended under section 37(1) or (2) of the Act on or after 22 September 2006, or a permit surrendered, revoked, or which expires before 1 January 2007. The additional fees must be paid within 30 days after 1 January 2007;
- *regulation 17* provides for a refund of part of the annual fee paid under a mining permit. The refund must be paid within 30 days after 1 January 2007.

Application and other fees

Part 2 prescribes the application fees and other fees payable. These fees apply in respect of every matter specified in the Schedule that occurs after the date of commencement of these regulations.

Regulation 19 provides that application fees will not be refunded on the withdrawal, rejection, or refusal of an application except with the approval of the Minister.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 24 August 2006.
These regulations are administered by the Ministry of Economic Development.
