



Crown Minerals (Petroleum 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), (j), and (k) 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

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

Regulations 1991 or the Crown Minerals (Minerals Fees) Regulations 2006.

- (2) These regulations apply to—
- (a) all applications made under the Act for permits for petroleum; and
 - (b) all permits that relate to petroleum; and
 - (c) all holders of permits that relate to petroleum.

4 Interpretation

- (1) In these regulations—

Act means the Crown Minerals Act 1991

old regulations means the Crown Minerals (Petroleum Fees) Regulations 1993

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 permits

The annual fee payable under a prospecting permit is \$4.00 per square kilometre or part of a square kilometre.

7 Annual fee payable under exploration permits

The annual fee payable under an exploration permit is \$10.50 per square kilometre or part of a square kilometre.

8 Annual fee payable under mining permits

The annual fee payable under a mining permit is \$100.00 per square kilometre or part of a square kilometre.

9 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 for appraisal work under section 37(2) of the Act is \$10.50 per square kilometre or part of a square kilometre.

10 When annual fee payable

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

11 Special rules for annual fees payable in respect of permits granted or renewed 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 on which the permit is granted; 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 on which the permit is granted; and
- (b) if the extension of the duration of 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 on which the extension is granted; 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 on which the extension is granted.

Part 2**Fees other than annual fees****12 Application**

The fees in this Part apply in respect of every matter specified in the Schedule that occurs after the date of commencement of these regulations.

13 Application fees and monetary deposit or bond

The application fees and monetary deposit or bond specified in the Schedule of these regulations are prescribed as the fees and deposit or bond payable in respect of the matters specified in that schedule.

Part 3**Transitional provisions for additional annual fees
and for refunds for certain permits for year
beginning on 1 July 2006***Additional annual fees***14 2006/07 additional fee payable under exploration permit**

- (1) The annual fee in this regulation applies 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, revoked, or expires before 1 January 2007.
- (2) The 2006/07 additional fee payable under an exploration permit is—
- (a) for the first 1 500 square kilometres, \$1.03;
 - (b) for each additional square kilometre, \$3.28.

15 When 2006/07 additional fee is payable

The 2006/07 additional fee payable under regulation 14 is payable within 30 days after 1 January 2007.

*Refunds***16 Partial refund of annual fees paid under mining permits**

- (1) This regulation applies to an annual fee for a mining permit paid under regulation 3 of the old regulations for the year beginning 1 July 2006.
- (2) The Secretary must refund \$203.13 per square kilometre or part of a square kilometre in respect of the annual fee paid.
- (3) The refund by the Secretary must be paid within 30 days after 1 January 2007.

Part 4

Miscellaneous

17 Refund of application 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 where the Minister considers that exceptional circumstances warrant the payment of a refund.
- (3) For the avoidance of doubt, subclause (1) does not apply to a deposit or bond paid with an application for a permit.

18 GST included

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

19 Revocation and saving

- (1) The Crown Minerals (Petroleum Fees) Regulations 1993 (SR 1993/412) are revoked on the commencement of these regulations.
- (2) Subclause (3) applies to permits granted or renewed before 22 September 2006.
- (3) Despite subclause (1), the fees prescribed as annual fees payable in respect of prospecting, exploration, and mining permits continue to apply for the year beginning 1 July 2006 as if regulation 3 in respect of those items in the Schedule had not been revoked.

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Schedule

Application fees and monetary deposit or bond payable

Fees payable on application	\$
Prospecting permit	6,000
Exploration permit	6,000
Mining permit	25,000
Extension of duration of exploration permit under section 37(1) of the Act	2,500

Fees payable on application	\$
Extension of duration of exploration permit under section 37(2) of the Act	14,000
Amendment (change) to permit work programme	2,500
Extension (change) to permit area	2,500
Minister's consent to a transfer or dealing	1,000
Deposit or bond payable with application for permit	
Deposit or bond	250,000

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 (Petroleum Fees) Regulations 1993 (the **old regulations**).

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

The principal changes in fees payable include the following:

- removal of miscellaneous fees for copying information, application fees for duplicate permits, and lodgement fees for permit surrenders;
- reduction of annual fees for mining permits;
- increases in all application fees for prospecting, exploration, and mining permits, changes to permits, extensions of duration of permits, and consents to transfer 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.

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 contains transitional provisions for annual fees payable under certain permits 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 19(3)*) but—

- *regulation 14* prescribes 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 exploration permits. These additional fees do not apply to a permit granted or extended under section 37(1) or (2) of the Act on or after 22 September 2006, or to a permit that is surrendered, revoked, or expires before 1 January 2007. The additional fees must be paid within 30 days after 1 January 2007:
- *regulation 16* provides for a refund of part of the annual fee paid under a mining permit. The refund must be paid by the Secretary within 30 days after 1 January 2007.

Application and other fees

Part 2 prescribes the application 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 17 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.
