

Reprint
as at 1 January 2017



Crown Minerals (Minerals Fees) Amendment Regulations 2014

(LI 2014/381)

Crown Minerals (Minerals Fees) Amendment Regulations 2014: revoked, on 1 January 2017, pursuant to regulation 18 of the Crown Minerals (Minerals Fees) Regulations 2016 (LI 2016/275).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 8th day of December 2014

Present:

His Excellency the Governor-General in Council

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

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 4 amended (Interpretation)	2
5 New regulation 4A inserted (Transitional provisions)	2
4A Transitional provisions	3

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

6	Part 1 heading replaced	3
7	Regulation 5 amended (Application)	3
8	Regulation 6 amended (Annual fee payable under prospecting permit)	3
9	Regulations 7 to 9 replaced	3
	7 Annual fee payable under exploration permit	3
	8 Annual fee payable under extension of duration of exploration permit for appraisal work	3
	9 Annual fee payable under mining permit	4
10	Regulation 11 amended (Special rules for annual fees payable in respect of permits granted or extended during year)	4
11	Regulation 12 amended (Application and other fees)	4
12	Part 3 revoked	4
13	Regulation 21 revoked (Revocation and saving)	4
14	Schedule replaced	4
	Schedule	4
	Schedule replaced by new Schedules 1 and 2	

Regulations

1 Title

These regulations are the Crown Minerals (Minerals Fees) Amendment Regulations 2014.

2 Commencement

These regulations come into force on 12 December 2014.

3 Principal regulations

These regulations amend the Crown Minerals (Minerals Fees) Regulations 2006 (the **principal regulations**).

4 Regulation 4 amended (Interpretation)

In regulation 4(1), insert in their appropriate alphabetical order:

offshore, in relation to a permit, means that the permit relates to an operation that is (whether wholly or partially) 50 metres or more beyond the seaward side of the mean high-water mark

onshore, in relation to a permit, means that the permit is not an offshore permit

5 New regulation 4A inserted (Transitional provisions)

After regulation 4, insert:

4A Transitional provisions

The transitional provisions set out in Schedule 1 have effect according to their terms.

6 Part 1 heading replaced

Replace the Part 1 heading with:

**Part 1
Annual fees**

7 Regulation 5 amended (Application)

- (1) In regulation 5, replace “The annual fees in this Part apply to—” with “Subject to clause 1 of Schedule 1, the annual fees in this Part apply to—”.
- (2) In regulation 5(b), replace “section 37(1) or (2)” with “section 35A or 36”.

8 Regulation 6 amended (Annual fee payable under prospecting permit)

- (1) In regulation 6, replace “\$3.50” with “\$3.58”.
- (2) In regulation 6, replace “\$500” with “\$511.11”.

9 Regulations 7 to 9 replaced

Replace regulations 7 to 9 with:

7 Annual fee payable under exploration permit

- (1) The annual fee payable under an onshore exploration permit is,—
 - (a) for the initial term of the permit, \$3.58 per hectare or part of a hectare or \$511.11, whichever is the greater;
 - (b) under an extension of the duration of the permit under section 36 of the Act, \$8.69 per hectare or part of a hectare or \$511.11, whichever is the greater.
- (2) The annual fee payable under an offshore exploration permit is \$10.73 per square kilometre or part of a square kilometre or \$511.11, whichever is the greater.

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

- (1) The annual fee payable under an extension of the duration of an onshore exploration permit under section 35A of the Act is \$8.69 per hectare or part of a hectare or \$511.11, whichever is the greater.
- (2) The annual fee payable under an extension of the duration of an offshore exploration permit under section 35A of the Act is \$10.73 per square kilometre or part of a square kilometre or \$511.11, whichever is the greater.

9 Annual fee payable under mining permit

- (1) The annual fee payable under an onshore mining permit is \$10.22 per hectare or part of a hectare or \$511.11, whichever is the greater.
- (2) The annual fee payable under an offshore mining permit is \$102.22 per square kilometre or part of a square kilometre or \$511.11, whichever is the greater.

10 Regulation 11 amended (Special rules for annual fees payable in respect of permits granted or extended during year)

In regulation 11(b), replace “section 37(1) or (2)” with “section 35A or 36”.

11 Regulation 12 amended (Application and other fees)

In regulation 12, replace “the Schedule” with “Schedule 2”.

12 Part 3 revoked

Revoke Part 3.

13 Regulation 21 revoked (Revocation and saving)

Revoke regulation 21.

14 Schedule replaced

Replace the Schedule with the Schedules 1 and 2 set out in the Schedule of these regulations.

Schedule**Schedule replaced by new Schedules 1 and 2**

r 14

Schedule 1
Transitional provisions

r 4A

*Transitional provisions relating to amendments taking effect after 11
December 2014*

1 New annual fees for certain offshore permits take effect after 11 December 2014

Despite regulation 5, the annual fees payable under regulations 7(2), 8(2), and 9(2) take effect after 11 December 2014.

2 Amount payable if outstanding debt for annual fee for 2014/15 year

- (1) This clause applies to an offshore exploration permit or offshore mining permit for which there is, on 12 December 2014, an outstanding debt for an annual fee amount.
- (2) The annual fee for the year beginning 1 July 2014 is deemed to be paid if the new annual fee is paid.
- (3) In this clause and clause 3,—
annual fee amount means an amount that is all or part of the annual fee for the year beginning 1 July 2014
new annual fee means the amount payable had the annual fee for the year beginning 1 July 2014 been calculated in accordance with regulations 7 to 9 (as in force after 11 December 2014).

3 Partial refund of annual fees for certain offshore permits for 2014/15 year

- (1) This clause applies to an offshore exploration permit or offshore mining permit for which an annual fee amount has been paid before 12 December 2014.
- (2) The chief executive must refund the difference between—
(a) the annual fee amount paid; and
(b) the new annual fee.
- (3) The chief executive must pay the refund on or before 31 March 2015.
- (4) To avoid doubt, no refund is payable if the annual fee amount paid is less than the new annual fee.

**Schedule 2
Application fees**

r 12

Application fees	\$
Application for prospecting permit	1,635.55
Application for exploration permit	2,351.11
Application for mining permit	3,271.11
Any application under section 36 of the Act (other than an application to extend the duration of a permit)	2,555.55
Application for certificate of extension of duration of permit under section 36 of the Act	2,555.55
Application for certificate of extension of duration of permit for appraisal work under section 35A of the Act	3,271.11
Application for Minister's consent under section 41, 41B, or 41C of the Act	613.33

Michael Webster,
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 12 December 2014, amend the Crown Minerals (Minerals Fees) Regulations 2006 (the **principal regulations**). Principally, the amendments—

- introduce a distinction between the annual fees payable under exploration permits and mining permits according to whether they relate to onshore or offshore areas; and
- prescribe new annual fees payable under offshore exploration permits and offshore mining permits (the **new annual fees**).

The amendments also—

- adjust the existing fees prescribed in the principal regulations to reflect the increase in goods and services tax from 12.5% to 15% that took effect from 1 October 2010 (previously, section 78(3) of the Goods and Services Tax Act 1985 operated to automatically apply the increase);
- update references to the Crown Minerals Act 1991, in light of amendments made to the Act in 2013;
- revoke spent transitional provisions that applied in relation to the 2006/07 year;
- provide that, for outstanding debts relating to annual fees for offshore exploration permits and offshore mining permits for the 2014/15 year, annual fees are deemed to be paid if the amount that would have been payable under the new annual fees is paid;
- provide, in relation to offshore exploration permits and offshore mining permits for the 2014/15 year, for a refund of as much of the annual fees paid before 12 December 2014 as exceeds the amount that would have been payable under the new annual fees.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 11 December 2014.

Reprints notes

1 *General*

This is a reprint of the Crown Minerals (Minerals Fees) Amendment Regulations 2014 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Crown Minerals (Minerals Fees) Regulations 2016 (LI 2016/275): regulation 18