

House of Representatives
Supplementary Order Paper

Wednesday, 10 April 2013

**Crown Minerals (Permitting and Crown Land)
Amendment Bill**

Proposed amendment

Moana Mackey, in Committee, to move the following amendments:

Clause 31

Delete *clause 31(6)(da)* (lines 16 to 18 on page 58).

Explanatory note

This Supplementary Order Paper also amends *clause 31(6)* of the Crown Minerals (Permitting and Crown Land) Bill to remove the “economic benefit test” proposed by the Bill. All commercial activities on the Department of Conservation estate require the granting of a concession, currently from the Minister of Conservation. Under the Conservation Act 1987 a concession can only be granted if the proposed activity is not “contrary to the provisions of this Act or the purposes for which the land concerned is held”. The Bill introduces a new “economic benefit” test when determining whether or not to grant an access arrangement on conservation land under the Crown Minerals Act 1991.

This change compromises the management of the conservation estate by suggesting that even if an activity is not compatible with the objectives and purposes of the Conservation Act 1987, the activity could still go ahead. This new test also only applies to mining activities, and we question why one sector is being given such a privileged status over other commercial activities that occur on the conservation estate such as tourism ventures, which must pass the test set out above in the Conservation Act 1987. When considering applications for access under the Crown Minerals Act 1991 the Minister only need “have regard” for a number of matters when coming to a decision. This is a far weaker test and we have yet to be given any rationale as to why this should be the case. While the Bill has been amended so that only the direct net economic benefits be taken

into account, we do not believe this addresses the underlying issue, which is that while it is relatively simple to quantify the economic value of a mineral resource, it is extremely difficult to quantify the concurrent loss of value or environmental impact of the activity on conservation.
