

House of Representatives

Supplementary Order Paper

Tuesday, 9 April 2013

Crown Minerals (Permitting and Crown Land) Bill

Proposed amendments

Te Ururoa Flavell, in Committee, to move the following amendments:

Clause 15

In *clause 15, new section 14(2)*, replace *paragraph (c)* (lines 5 to 9 on page 21) with:

- “(c) must include the requirement to engage with iwi and set out guidelines for engagement for the purposes of allowing iwi to determine the course of action, including exclusion of land, if it is recognised by an iwi that defined areas of land, of particular importance to the iwi’s interests, are going to be affected.”

Clause 16

In *clause 16, new section 25(3)(e)* (line 29 on page 29), after “Tier 2 permit” insert “; and” and also insert (after line 29 on page 29):

- “(f) the name and contact details of the relevant iwi authority, whose area includes the rohe of the permit.”

In *clause 16, new section 25*, after *subsection (5)* (after line 36 on page 29), insert:

- “(5A) A permit may only be granted after consideration has been given to any suggestions made by the relevant iwi authority whose area includes the rohe of the permit.”

Clause 18

In *clause 18, new section 29A(2)(a)*, after *subparagraph (iii)* (after line 26 on page 31), insert:

- “(iv) having addressed any concerns or issues raised by the relevant iwi authority, whose area includes the rohe of the permit; and”

In *clause 18, new section 29A(3)*, replace *paragraphs (b) and (c)* (lines 19 to 23 on page 32), with:

- “(b) must seek the views of the Health and Safety Regulator and may, but is not required to, obtain the views of any regulatory agency and relevant iwi authority; and
- “(c) may, but is not required to, rely on the views of the regulatory agencies and relevant iwi authority; and”

Clause 21

In *clause 21, new section 33A*, after *subsection (1)* (after line 34 on page 35), insert:

- “(1A) A Tier 1 permit holder’s annual report must show that the permit holder has taken all reasonable steps to include the relevant iwi authority or hapu in both the development and completion of the annual report.”

In *clause 21, new section 33A(3)*, after *paragraph (b)* (after line 14 on page 36), insert:

- “(c) whether there is the requirement for the permit holder to take all reasonable steps to include the relevant iwi authority or hapu in the development and completion stages of the annual report, which may vary for different classes or kinds of permit.”

In *clause 21, new section 33B(1)*, replace *paragraph (b)* (lines 21 to 25 on page 36), with:

- “(b) providing an opportunity for discussion between the chief executive, the permit holder, the appropriate Minister (but only if the permit relates to Crown land), the relevant iwi authority, and any other person or regulatory agency that the chief executive has invited to attend the meeting.”

Clause 25

In *clause 25, new section 37*, replace *subsection (2)* (line 33 on page 43 to line 2 on page 44), with:

- “(2) If the Minister considers, on the basis of information on the characteristics and extent of the petroleum field received by the Minister at any time during the currency of the permit, that a change to the work programme is necessary, the Minister must—
 - “(a) notify the permit holder and relevant iwi authority of the proposed change and set out the reasons why it is being proposed; and
 - “(b) give the relevant iwi authority 20 working days after the date on which the notice is served to raise any concerns or issues the relevant iwi authority may have with respect to the change to the work programme.”

Clause 26

In *clause 26(2)*, *new section 39(2)*, after “permit holder” (line 28 on page 46), insert “and relevant iwi authority”.

In *clause 26(2)*, *new section 39(2)(b)(ii)*, (line 37 on page 46), after “transferred” insert “; and” and also insert (after line 37 on page 46):

“(c) gives the relevant iwi authority 20 working days after the date on which the notice is served to raise any concerns or issues the relevant iwi authority may have with respect to the permit being revoked or transferred.”

Clause 28

In *clause 28*, *new section 41(5)*, after “permit participant” (line 24 on page 49), insert “and the relevant iwi authority”.

Clause 32

In *clause 32*, *new section 61C(2)*, after *paragraph (c)* (after line 24 on page 59), insert:

“(ca) the concerns or issues raised by the relevant iwi authority whose area includes the rohe of the proposed mining activities; and”

Clause 38

In *clause 38*, *new section 90E*, after *subsection (4)* (after line 26 on page 73), insert:

“(4A) The Minister, an appropriate Minister, or the chief executive may provide to a relevant iwi authority any information, or a copy of any document, that he or she holds in relation to the performance or exercise of his or her functions, duties, or powers under this Act that relate to a permit or an application for a permit.”

In *clause 38*, *new section 90E(5)*, after “A regulatory agency” (line 27 on page 73), insert “and relevant iwi authority”.

Schedule 1A

In *Schedule 1A*, *new Schedule 1*, *clause 2(2)(b)*, after “the chief executive” (line 24 on page 111), insert “and relevant iwi authority, whose area includes the rohe of the permit,”

Explanatory note

This Supplementary Order Paper amends the Crown Minerals (Permitting and Crown Land) Bill to—

- allow iwi authorities, through the minerals programmes, to detail wider mitigation measures relating to permit applications other than just land exclusion:

- require relevant iwi authorities' contact details to be included on granted permit applications:
 - insert a specific reference for the Minister to consider suggestions made by iwi authorities when granting permit applications:
 - insert a specific reference for the Minister to be satisfied that concerns and issues raised by iwi authorities have been considered before a permit has been granted:
 - allow the Minister to obtain the views of iwi authorities on an operator's ability to meet health, safety, and environmental requirements:
 - insert specific reference to include iwi authorities in the development and completion of annual iwi engagement reports, including a requirement through regulations for a permit holder to include iwi authorities or hapu in the development and completion stages of the annual engagement report:
 - allow an opportunity for the chief executive to include iwi authorities in the annual review meeting for holders of Tier 1 permits:
 - require the Minister to notify iwi authorities of a proposal to change a work programme and to allow iwi authorities 20 working days to raise any concerns or issues they may have to the changed work programme:
 - require the Minister to serve notice upon iwi authorities of his or her intention to revoke or transfer a permit, giving the iwi 20 working days to raise any concerns or issues they have to the permit being revoked or transferred:
 - require iwi authorities to be notified of a transfer of interest in a permit:
 - require the Minister and the Minister of Conservation to have regard to the concerns and issues raised by iwi authorities in respect of access arrangements for conservation land affected by mining:
 - allow iwi authorities to have the same information rights as regulatory agencies:
 - require permit holders to provide iwi authorities with the contact details of the permit operator.
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