

UNDER SECTION 41 AND/OR 41C, CROWN MINERALS ACT 1991

Application for consent to change operator and/or transfer interests

This form is to be used to apply for a transfer of a permit participant(s) interest and/or a change of operator¹. For consent to a dealing use APP 05².

- › New Zealand Petroleum & Minerals recommends that applicants familiarise themselves with the Crown Minerals Act 1991 (the 'Act'), the relevant regulations, and the relevant Minerals or Petroleum Programme, and seek professional advice where appropriate before making an application to transfer interest(s) or change the operator of a permit. See www.nzpam.govt.nz/our-industry/rules-regulations/ for more details.
- › Please note that information provided with your application is treated confidentially but may be subject to release under the provisions of the Official Information Act 1982. If this is the case, we may consult with you before the material is considered for public release.
- › The personal information you must include in this form is needed to process your application under the Act. You have the right under the Privacy Act 2020 and/or the Official Information Act 1982 to access information held about you by New Zealand Petroleum & Minerals and request that this information be corrected if necessary.
- › The information you provide in this form may be used for regulatory compliance or enforcement purposes according to the Ministry of Business Innovation and Employment's **Transparency Statement**.
- › If the space on any part of this form is insufficient to include all relevant details, place them at the beginning of the Supporting information document in the order they appear in this form, state 'see Supporting information' in the appropriate space, and attach the document to the application.

¹ This form may be used to provide the details for transfers of interest and/or change of operators that affect either a single permit or multiple permits. Please note, however, that a fee is payable for each transfer of a participating interest in a permit and for each change of operator on a permit.

² A dealing that requires an application on form APP-05 is any agreement (other than a transfer of a participating interest, or a mortgage or other charge) that imposes on any permit participant any obligation that relates to the sale or the proceeds of production where the term of the agreement is for 12 months or longer, or if the agreement is not on arm's length terms, or could be considered not to have been entered into on an arm's length or is otherwise not on a fair market basis.

Note also that a dealing relating to a Tier 1 permit has no legal effect if the Minister does not consent to the dealing. You are advised to seek professional advice if you are unsure whether your agreement is a dealing.

SECTION 1: CONTACTS

1.1 Application contact³ details:

Please set out the details of the Application contact.

Legal name:	
Organisation:	
New Zealand Business Number (NZBN):	

³ Application contact

The Application contact is the sole point of contact for an application. An application contact:

- › receives all communications about the progress of an application, including any application fee invoice.
- › can view all applications for which they are the Application contact (where they have a New Zealand Petroleum & Minerals online permitting system account)



Postal address:	<hr/> <hr/> <hr/>
Email:	<hr/>
Primary phone:	<hr/>
Secondary phone:	<hr/>

1.2 New permit administrator⁴ details:

Will the permit administrator change if the application is granted?:	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>(go to section 2)</i>
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If yes, please complete the details below for the proposed new permit administrator.

Legal name:	<hr/>
Organisation:	<hr/>
New Zealand Business Number (NZBN):	<hr/>
Postal address:	<hr/> <hr/> <hr/>
Email:	<hr/>
Primary phone:	<hr/>
Secondary phone:	<hr/>

⁴ The Permit administrator is the ongoing primary contact on matters to do with the permit. A permit administrator:

- > must be an individual
- > receives all communications regarding the permit not directed to the Fee administrator, Royalty administrator, ERL administrator, Geotechnical contact, or Audit contact. This includes all communication around upcoming obligations.
- > can view all permits for which they are the Permit administrator (and where they have an NZP&M online permitting system account).
- > by default assumes the Geotechnical contact role for a permit, when the change is first granted, however this can be assigned at any time by email.
- > by default assumes the Fee administrator role for a permit, when the change is first granted, however this can be assigned at any time using an App-11 form.

SECTION 2: APPLICATION DETAILS

2.1 Consent details:

Please provide the following details:

The application is for consent to:	<input type="checkbox"/> Change of operator ⁵ only New operator name: <hr/> <input type="checkbox"/> Transfer of interests ⁶ only <input type="checkbox"/> Transfer of interest and Change of operator
Title of the agreement to which consent is being sought: ⁷	<hr/>

SECTION 4: TRANSFER OF INTEREST DETAILS

4.1 New permit participant detail(s):⁹

Please provide details of new permit participants:

Does the application involve the introduction of a new permit participant(s) (includes operator) on one or more of the permits to which the application relates?	<input type="checkbox"/> Yes. Please provide details below. If there is more than one new permit participant proposed please record their details using the APP 09 Additional permit participant information form (see www.nzpam.govt.nz/cms/permit-holders/permit-changes/permit-participants). <input type="checkbox"/> No
Name of proposed permit participant: ^{9,10}	
Type of proposed permit participant:	<input type="checkbox"/> Individual <input type="checkbox"/> NZ registered company <input type="checkbox"/> Incorporated society <input type="checkbox"/> Partnership <input type="checkbox"/> Local authority <input type="checkbox"/> Crown <input type="checkbox"/> Trust ¹⁰ <input type="checkbox"/> Overseas company ¹¹ <input type="checkbox"/> Industrial and provident society <input type="checkbox"/> Other (please state)
New Zealand Business Number (NZBN):	
Postal address: ¹²	
Physical address: ¹²	
Address for service: ¹³	
Primary phone:	
Email address:	

⁹ Under section 91 of the Act, the name and contact details of the permit participants of each permit must be on the public register. Contact details for the purposes of this section are considered to be the permit participant(s) address which may be an email address (currently address for service) and telephone number at which the permit participant may be contacted. Therefore, this information will be publicly available.

¹⁰ Permits can only be granted to legal entities. Trusts must provide the full name of every trustee and partnerships the full name of all partners. This information may be supplied in a separate list included with the application

¹¹ Please note that overseas companies carrying on business in New Zealand are required to register with the New Zealand Companies Office under section 334 of the Companies Act 1993. For further information on registration and the obligations of overseas companies carrying on business in New Zealand please refer to www.companies.govt.nz

¹² Physical and postal addresses need to be of the registered office, if applicable.

¹³ The address for service must be a physical address within New Zealand.

4.2 Change of operator:

› Are you applying to change the permit operator? Yes No

If yes, please state who the new permit operator is: _____

SECTION 5: SUPPORTING INFORMATION

5.1 Documents required:

Please attach the following:

- Signed APP09 additional permit participant information if required (see section 4.1)
- Evidence as per section 41(3) of the Act, of the applicant having notified any other permit participants that it has applied for the transfer before or at the same time as the application is made.
- A signed APP 10 Application authority form for each affected permit participant that is not you as an individual, including any proposed permit participants.¹⁴
- Executed copy of agreement.¹⁵
- Other supporting information as outlined in the relevant Regulations.

¹⁴ For an application to transfer all or part of a participating interest in a permit, the application must be signed by the relevant permit participant (transferor) and the new permit participant/s (transferee/s). For an application for consent to change of permit operator, the application must be signed by, or on behalf of, the permit holder and the proposed new operator (if that operator is not an existing permit participant).

¹⁵ This must be a true copy and not contain any deletions.

SECTION 6: APPLICATION FEE

6.1 Fee payment:

Please refer to the New Zealand Petroleum & Minerals (NZP&M) website for application fees:

Mineral permit fees – www.nzpam.govt.nz/permits/minerals/fees-royalties

Petroleum permit fees – www.nzpam.govt.nz/permits/petroleum/fees-royalties

Application fees are prescribed in the Crown Minerals (Mineral Fees) Regulations 2016 or the Crown Minerals (Petroleum Fees) Regulations 2016.

Please pay the fee by internet banking and attach a copy of the successful transaction, as evidence of the payment.

Account details:

- > Account Holder/Payee name: Ministry of Business, Innovation & Employment
- > Account number: 03 0049 0001311 02
- > Reference for payment: A proposed permit participant's name.

The Ministry of Business, Innovation and Employment's bank account is held with Westpac bank, NZ Government Branch, 318 Lambton Quay, Wellington, New Zealand 6011.

An applicant is also expected to pay for all bank fees incurred for telegraphic transfers made from overseas. One bank fee is charged when the fee leaves the country of origin's bank and another fee is charged when it is received by a bank in New Zealand. As such, payments by telegraphic transfer should ensure that overseas bank charges are set to 'Ours' in order to have the bank fees paid at both ends - SWIFT Code is WPACNZ2W.

SECTION 7: DECLARATION

I declare that all information provided in this application is true and correct to the best of my knowledge and that I am authorised to sign this application.^{18, 19}

Signature:	_____
Legal name:	_____
Position of signatory:	_____
Organisation:	_____
New Zealand Business Number (NZBN):	_____
Date:	_____

¹⁸ For an application to transfer all or part of a participating interest in a permit, the application must be signed by the relevant permit participant (transferor) and the proposed permit participant/s (transferee/s). For an application for consent to change of permit operator, the application must be signed by or on behalf of the permit holder and the proposed new operator (if that operator is not an existing permit participant).

¹⁹ Where the permit participant is a company, partnership, society, trust or other legal entity, the application must be signed in accordance with the relevant legislative requirements, constitution, or rules by a person or agent with the requisite authority. All applications must be signed in accordance with the relevant regulations.

This completed form is to be forwarded to nzpam@mbie.govt.nz or mailed to the NZP&M postal address below.

www.nzpam.govt.nz
nzpam@mbie.govt.nz

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New Zealand

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INTERNATIONAL CALLS: +64 3 962 6179 FAX: +64 4 471 0187

NZP&M is a branch of the New Zealand Ministry of Business, Innovation and Employment. We manage New Zealand's Crown Mineral Estate. Our aim is to maximise the gains to New Zealand's economy from development of these resources, a key component to the government's Business Growth Agenda. To support this aim we endeavour to educate and inform New Zealanders, including consultation with indigenous stakeholders and local government.