

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:

Email:

Primary phone:

Secondary phone:

1.2 New permit administrator⁴ details:

Will the permit administrator change if the application is granted?:

☐

Yes

☐

No (go to section 2)

If yes, please complete the details below for the proposed new permit administrator.

Legal name:

Organisation:

New Zealand Business Number (NZBN):

Postal address:

Email:

Primary phone:

Secondary phone:

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:

☐

Change of operator⁵ only

New operator name: _____

☐

Transfer of interests⁶ only

☐

Transfer of interest and Change of operator

Title of the agreement to which consent is being sought:⁷

- 5 The operator is the permit participant who is responsible for the day to day management of activities under the permit. If you are applying for a change of operator and the new operator is not currently a permit participant or the percent interests of current participants is being changed, you will also need to apply for consent to transfer interests. A permit participant cannot have a zero percent interest in the permit.
- 6 You need to apply for a consent to transfer interests if a permit participant is being added or removed from the permit or the percentage interests are changing.
- 7 An executed copy of the agreement that contains the transfer that requires consent must accompany the application. This must be a true copy and not contain any deletions. Applications for ministerial consent under section 41 of the Act must be made within three months after the date of the agreement.

SECTION 3: PERMIT DETAILS

3.1 Current permit type and permit number:

Please list details of the permits affected⁸:

[illegible]

3.2 Proposed permit interests:

Please list details of the proposed permit interests:

[illegible]

8 A fee is payable for each transfer of a participating interest in a permit and for each change of operator on a permit.

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 <u>APP 09 Additional permit participant information form</u> . <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:^{16 17}

Please indicate how the application fee is to be or has been paid:

- ☐ I have paid by direct credit and have attached as evidence a copy of the successful internet banking transaction.
- ☐ I have attached a cheque.

¹⁶ Your application must be accompanied by the appropriate fee prescribed in the relevant fees regulations or evidence that the appropriate fee has been paid. Payments by direct credit are to be made to New Zealand Petroleum & Minerals' bank account held with Westpac Bank, NZ Government Branch- 318 Lambton Quay, Wellington New Zealand 6011, account number 03 0049 0001311 02 and a proposed permit participant's name should be used as the reference for the payment. 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.

¹⁷ A fee is payable for each transfer of a participating interest in a permit and for each change of operator on a permit.

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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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.