Rules and regulations


The Crown Minerals Act 1991 (the Act)

Under the Act, a permit is required to prospect, explore, or mine for minerals that are part of the Crown Mineral Estate, including gold, silver and petroleum.

A permit provides a permit holder the rights to prospect, explore or mine the Crown-owned mineral resource(s) subject to certain conditions, including the responsible development of the resource and, where applicable, the payment of royalties to the Crown.

Under the Act, the Crown collects information on the mineral estate to promote efficient management of resources and inform investment decisions.


Permit holder regulations

Requirements that permit holders must meet as defined in our regulations.

Petroleum


Minerals


Digital data submission standards and templates

The submission standards below define the formats required for lodging of statutory digital information acquired during prospecting, exploration and mining activities.

- Mineral and Coal Digital Data Submission Standards 2011
- Mineral and Coal Digital Data Submission Standards 2011 Templates and guide
- Petroleum Digital Data Submission Standards 2016

Environmental management legislation

Before a company can undertake activities such as exploration drilling, they must comply with the appropriate environmental legislation.

Onshore and in territorial waters

Local authorities manage environmental consenting processes in their region under the Resource Management Act 1991 [http://www.mfe.govt.nz/rma]. Under the Act, Regional Councils are responsible for managing the effects of activities on the environment in territorial waters (0 to 12 nm offshore). Resource consents are usually required for petroleum and mineral activities.

Offshore - more than 12 nautical miles from the coastline

Activities more than 12 nautical miles from the coastline are managed by the Environmental Protection Authority (EPA) under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 [http://www.mfe.govt.nz/more/acts-and-regulations/exclusive-economic-zone-and-continental-shelf-environmental-effects-act].

The EPA manages the effects of specific restricted activities on the environment in the Exclusive Economic Zone and Continental Shelf. They consider applications for marine consents, monitor compliance, enforce the Act and promote public awareness of its requirements and associated regulations.

New Zealand’s marine environment is also protected under the Maritime Transport Act 1994 [http://www.legislation.govt.nz/act/public/1994/0104/latest/DLM334660.html], and the marine protection rules that come under the Act. Maritime New Zealand is responsible for ensuring operators have emergency response plans if there is a leak or spill into the sea.

- Marine protection legislation and international
Exploration and prospecting under the EEZ Act

Some petroleum and minerals prospecting activities (and marine research) are permitted activities under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. Provided conditions set out in regulations are followed, these activities do not require a marine consent from the EPA.

- Permitted activities - Marine scientific research, exploration and prospecting under the EEZ Act. [http://www.epa.govt.nz/EEZ/undertake_activity/Marine-scientific-research]

Environmental monitoring

Environmental monitoring can be required under various legislative regimes or conducted as part of a research programme. The link below provides guidance about how monitoring should be conducted to meet the requirements of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

- Environmental monitoring in the EEZ - guidance for operators [http://www.epa.govt.nz/EEZ/undertake_activity/Marine-scientific-research]

Continental Shelf Act 1964

The Continental Shelf Act vests in the Crown the right to explore and exploit the natural resources of the continental shelf of New Zealand. The CSA provides that permits may be granted over the continental shelf but this is done so under the Crown Minerals Act 1991 framework.

Conservation


Other legislation

Marine and Coastal Area (Takutai Moana) Act 2011

The last day for applications under the Marine and Coastal Area (Takutai Moana) Act 2011 to recognise customary interests of iwi, hapū and whānau is 3 April 2017.
One function of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) is to recognise the exercise of the customary interests of iwi, hapū, and whānau in the common marine and coastal area of New Zealand. One form of customary interest that may be recognised under the MACA is customary marine title. One of the rights conferred by customary marine title is the ownership of minerals (except for petroleum, gold and silver).

The MACA is relevant to some permit applicants. Where a permit application relates to a right that would be conferred by customary marine title, it requires those looking to apply for a permit to notify and seek the views of Maori groups who have applied for customary marine title over the area, before they make a permit application. Permit applicants are not required to notify and seek the views of groups who have had their applications for customary marine title declined.

The MACA can give rise to other obligations for permit holders and resource consent seekers. Further information is available on the Ministry of Justice website.

Archaeological sites

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. Petroleum and minerals permit holders may require permission to undertake activities around these sites from Heritage NZ.

Biosecurity

The Biosecurity Act 1993 provides for clearance of goods and management of incoming craft (including floating platforms) to reduce the risk of pests and diseases being introduced.

Health and Safety

All operators and other permit holders must comply with New Zealand’s key work health and safety legislation - the Health and Safety at Work Act 2015, together with regulations made under that Act.

The main purpose of the Act is to provide for a balanced framework to secure the health and safety of workers and workplaces. The Act applies to nearly all work in New Zealand and it focuses on both injuries and work-related illnesses.

There are four duty holders that have work health and safety duties under the Act - persons conducting a business or undertaking, workers, officers and other persons at a workplace - and a duty holder cannot transfer or contract out of these duties.

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