

1997, No. 82

An Act to amend the Crown Minerals Act 1991
[1 October 1997

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement---(1) This Act may be cited as the Crown Minerals Amendment Act 1997, and is part of the Crown Minerals Act 1991 ("the principal Act").

(2) This Act comes into force on the date that is 28 days after the date on which this Act receives the Royal assent.

2. Minerals reserved to Crown---Section 11 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) Nothing in subsection (1) applies to pounamu to which section 3 of the Ngai Tahu (Pounamu Vesting) Act 1997 applies.”

3. New sections inserted---The principal Act is amended by inserting, after section 61, the following sections:

“61A. Access to Crown land where mineral not property of the Crown---(1) A person must not prospect,

explore, or mine in any Crown land in respect of any mineral that is not the property of the Crown otherwise than in accordance with an access arrangement entered into under section 61B.

“(2) Nothing in sections 54 to 59, 61, 62 to 75, 78 to 82, and 89 applies in respect of any such access arrangement.

“(3) For the purposes of section 61B, in sections 60, 76, and 83 to 88,---

“(a) The term ‘permit’ includes any form of authorisation by the owner of the mineral to prospect, explore, or mine any mineral that is not the property of Crown:

“(b) The term ‘permit holder’ includes the holder of an authorisation under paragraph (a).”

“61B. Access arrangements in respect of Crown land where mineral not property of the Crown---(1) The appropriate Minister may, by agreement, enter into an access arrangement in respect of Crown land for the purpose of granting access to any mineral that is not the property of the Crown.

“(2) In considering whether to agree to an access arrangement in

respect of Crown land for that purpose, the appropriate Minister must have regard to---

- ``(a) The objectives of any Act under which the land is administered;
and
- ``(b) Any purpose for which the land is held by the Crown; and
- ``(c) Any policy statement or management plan of the Crown in relation to the land; and
- ``(d) The safeguards against any potential adverse effects of carrying out the proposed programme of work in relation to the mineral;
and
- ``(e) The interests of the owner of the mineral, or of any person to whom the owner of the mineral has granted any rights in relation to the mineral, in obtaining access to that mineral;
and
- ``(f) Such other matters as the appropriate Minister considers relevant.

``(3) Where the owner of the mineral or any person to whom the owner of the mineral has granted any rights in relation to the mineral, as the case may be, has secured the right, under the Resource Management Act 1991, to exclusive occupation of Crown land in the coastal marine area (as defined in section 2 (1) of that Act), it is not necessary for the owner of the mineral or that person to enter into an access arrangement in respect of that land."

This Act is administered in the Ministry of Commerce.