

Crown Minerals (Minerals and Coal) Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 17th day of December 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 105(1) of the Crown Minerals Act 1991, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Crown Minerals (Minerals and Coal) Regulations 2007.

2 Commencement

These regulations come into force on 1 February 2008.

3 Interpretation

(1) In these regulations, unless the context requires another meaning,---

2007 minerals programme means the Minerals Programme for Minerals (Excluding Petroleum) 2007

Act means the Crown Minerals Act 1991

ad valorem royalty means an ad valorem royalty calculated in accordance with the relevant minerals programme

co-ordinates means---

(a) latitude and longitude values and their geodetic datum; or

(b) eastings and northings and their geodetic datum and projection
current year, in relation to a report, means the year following the past year

document means---

(a) any material, whether or not it is signed or otherwise authenticated, that bears symbols (including words and figures), images, or sounds or from which symbols, images, or sounds can be derived, and includes---

(i) a label, marking, or other writing that identifies or describes a thing of which it forms part, or to which it is attached:

(ii) a book, record, report, return, map, plan, graph, or drawing:

(iii) a photograph, film, or negative; and

(b) information electronically recorded or stored, and information derived from that information

net sales revenue means net sales revenue calculated in accordance with the relevant minerals programme

other minerals programme means any relevant minerals programme (other than the 2007 minerals programme)

particulars means a person's full name, address for service, email address, and contact telephone number

past year, in relation to a report, means the year to which the report relates

permit area has the meaning set out in regulation 5

prescribed fee means the fee payable under the Crown Minerals (Minerals Fees) Regulations 2006

reference number, in relation to a permit, means any unique identifying number for the permit that the Secretary may allocate to it for the purposes of section 91 of the Act

specific rate royalty means a specified price to be paid---

(a) per unit of minerals sold; and

(b) in accordance with the 2007 minerals programme

survey means a survey, investigation, or specialised study undertaken in relation to a permit area or samples from a permit area.

(2) Unless the context otherwise requires, any term used but not defined in these regulations, but defined in the Act, has the same meaning as in the Act.

4 Definition of map

In these regulations, unless the context otherwise requires, map,---

(a) in relation to a permit area, means a map or plan of the area (in terms of an official projection approved, for the time being, by the Surveyor-General) that---

(i) locates and defines the boundaries of the permit area; and

(ii) enables the boundaries of the permit area to be accurately located and relocated; and

(iii) identifies any enclaves (being areas of land within the boundaries of the permit area that, for the purposes of the permit, are to be treated as being excluded from the permit area); and

(iv) if the permit area abuts an existing permit area, coastline, or sovereign, territorial, or other boundary, identifies the source and definition of the boundary and the extent of it; and

(v) satisfies the requirements of paragraph (b); and

(vi) complies with any other express requirements in these regulations:

(b) in any other case, means a map or plan that includes---

(i) a graticule relating to the co-ordinates used; and

(ii) a scale that uses an appropriate standard metric representative fraction or a metric graphic bar scale; and

(iii) direction or compass indicators; and

(iv) title and reference information, including---

(A) a note identifying the datum and projection used for the map or plan; and

(B) a descriptive title; and

(C) the publisher's name and the place and date of the map's or plan's publication; and

(D) the source and currency of any reference, derived, or

interpreted data (for example, cadastral, topographic, or photographic data); and

(E) a legend; and

(v) any relevant permit area boundaries; and

(vi) any other information that will aid in the relocation of the area to which the map or plan relates.

5 Definition of permit area

(1) In these regulations, permit area, in relation to an application for a permit, means the broken or unbroken area to which the application relates, defined using 1 or more of the following descriptors:

(a) co-ordinates of the boundaries:

(b) land parcels:

(c) bearings, distances, or both, from a fixed point (for example, a trig station) in terms of a specified projection:

(d) geographical features (for example, a river edge or mountain peak):

(e) coastline, sovereign, territorial, or other boundaries:

(f) any other descriptor acceptable to the Secretary.

(2) In these regulations permit area, other than in relation to an application for a permit area, means the broken or unbroken area in relation to which a permit holder has been granted a permit, defined using 1 or more of the following descriptors:

(a) co-ordinates of the boundaries:

(b) land parcels:

(c) bearings, distances, or both, from a fixed point (for example, a trig station) in terms of a specified projection:

(d) geographical features (for example, a river edge or mountain peak):

(e) coastline, sovereign, territorial, or other boundaries:

(f) any other descriptor acceptable to the Secretary.

Part 1

Documents, prescribed forms, and related matters

6 Signing of documents

(1) An application made by 2 or more persons in respect of a permit under

these regulations, and any other document required to be signed that is part of the application, must be signed by---

- (a) each person; or
- (b) a person authorised to sign on behalf of each person.

(2) A document required to be signed by a permit holder under these regulations must, if the permit holder is more than 1 person, be signed by---

- (a) each person; or
- (b) a person authorised to sign on behalf of each person.

(3) A document that is required to be signed under these regulations may be signed in accordance with section 22 of the Electronic Transactions Act 2002.

7 Address of Secretary for sending of documents and things

A permit holder who is required to send to the Secretary any document or thing under these regulations must send it to the address---

- (a) supplied to the permit holder by the Secretary when the permit was granted; or
- (b) notified from time to time by the Secretary in writing to the permit holder.

Format requirements

8 Written documents

A requirement in these regulations that a document must be in writing is met if---

- (a) the document is provided electronically; and
- (b) it is readily accessible so as to be usable for subsequent reference.

9 Documents must be provided to the Secretary electronically

(1) All documents to be provided to the Secretary under these regulations must---

- (a) be sent electronically; and
- (b) be readily accessible so as to be usable for subsequent reference.

(2) All raw data and processed data to be provided to the Secretary under these regulations must be---

- (a) provided in a digital form acceptable to the Secretary; and

(b) accompanied by metadata that complies with accepted industry standards.

(3) All spatial information (including any elevations) to be provided to the Secretary under these regulations, whether embedded in documents or as separate digital data, must identify the datum and, if applicable, projection used.

(4) This regulation is subject to regulation 11.

10 Form specified or described on website is acceptable to Secretary

(1) A document is in a form acceptable to the Secretary if it is provided in a form that is specified or described on a Ministry of Economic Development website.

(2) If no form is specified or described on a Ministry of Economic Development website, the document must be provided in accordance with regulation 9(1).

(3) Subclause (2) is for the avoidance of doubt.

11 Secretary may dispense with regulation 9 requirements
In any particular case, the Secretary may at his or her absolute discretion dispense with 1 or more of the requirements of regulation 9.

Extensions and exemptions

12 Permit holder may apply for extension of time within which document or thing must be provided

(1) A permit holder may apply to the Secretary, in writing, to extend the period of time within which the permit holder must provide to the Secretary any document or thing under these regulations.

(2) The Secretary must---

(a) grant the application (on any terms that he or she thinks fit); or

(b) reject the application.

(3) This regulation does not apply to any document or thing to be provided under regulations 45 to 51.

13 Permit holder may apply for exemption from requirement to provide document or thing

(1) A permit holder may apply to the Secretary, in writing, for an exemption from providing to the Secretary any document or thing required to be provided by the permit holder to the Secretary under these regulations.

(2) The Secretary must---

(a) grant the application if he or she is satisfied that it is not reasonable or practicable for the permit holder to supply the document or thing; or

(b) reject the application.

(3) This regulation does not apply to any document or thing to be provided under regulations 20 to 30 or 45 to 51.

Prescribed forms

14 Prescribed forms

(1) The prescribed forms for the purposes of section 23(2) of the Act are as follows:

(a) for a prospecting permit, form 1 of Schedule 1 and the information required under regulation 16(2)(b):

(b) for an exploration permit (unless allocated by public tender under section 24 of the Act), form 1 of Schedule 1 and the information required under regulation 17(2)(b):

(c) for a mining permit (unless allocated by public tender under section 24 of the Act or for a special purpose mining permit), form 1 of Schedule 1 and the information required under regulation 18(2)(b):

(d) for an application for a special purpose mining permit, form 1 of Schedule 1.

(2) The prescribed form for the purposes of section 40(1) of the Act is form 2 of Schedule 1 and the information required under regulation 30(2).

(3) The prescribed forms for the purposes of section 41 of the Act are as follows:

(a) for the transfer or lease of a permit, form 3 of Schedule 1 and the information required under regulation 28(2):

(b) for any other dealing with a permit, form 3 of Schedule 1 and the information required under regulation 28(5).

(4) The prescribed form for the purposes of section 83(1) of the Act is form 4 of Schedule 1.

(5) The prescribed form for the purposes of section 109(3) of the Act is form 5 of Schedule 1.

Survey for purposes of section 29 of Act

15 Survey for purposes of section 29 of Act

A survey for the purposes of section 29 of the Act must comply with the

requirements of any rules made by the Surveyor-General under section 49(1) of the Cadastral Survey Act 2002.

Part 2
Applications and notices

Permit applications

16 Application for prospecting permit

(1) An application to the Secretary under section 23(1) of the Act for a prospecting permit must be in form 1 of Schedule 1 and signed by the applicant.

(2) The application must be accompanied by---

(a) the prescribed fee or evidence of it having been paid; and

(b) the information described in Part 1 of Schedule 2.

17 Application for exploration permit (unless allocated by public tender)

(1) An application to the Secretary under section 23(1) of the Act for an exploration permit must be in form 1 of Schedule 1 and signed by the applicant.

(2) The application must be accompanied by---

(a) the prescribed fee or evidence of it having been paid; and

(b) the information described in Part 2 of Schedule 2.

(3) This regulation does not apply to any process by which a permit is offered for allocation by public tender under section 24 of the Act.

18 Application for mining permit (unless allocated by public tender or for special purpose mining permit)

(1) An application to the Secretary under section 23(1) of the Act for a mining permit must be in form 1 of Schedule 1 and signed by the applicant.

(2) The application must be accompanied by---

(a) the prescribed fee or evidence of it having been paid; and

(b) the information described in Part 3 of Schedule 2.

(3) This regulation does not apply to---

(a) any process by which a mining permit is offered for allocation by public tender under section 24 of the Act; or

(b) an application for a special purpose mining permit.

19 Application for special purpose mining permit

(1) An application to the Secretary under section 23(1) of the Act for a special purpose mining permit must be in form 1 of Schedule 1 and signed by the applicant.

(2) The application must be accompanied by---

(a) the prescribed fee or evidence of it having been paid; and

(b) a map of the permit area (being an area of no more than 5 hectares);
and

(c) a statement of why the permit is being sought that includes---

(i) a description of the historical mining methods that the applicant proposes to demonstrate; and

(ii) evidence that the applicant has the machinery or equipment necessary to do so (including photographic evidence); and

(iii) if applicable, the proposed point of valuation for royalty purposes; and

(d) if the application is on behalf of 2 or more persons, an explanation of each person's interest in the permit.

20 Application to extend or decrease minerals to which prospecting or exploration permit relates

(1) An application to the Minister under section 36(1) of the Act to extend or decrease the minerals to which a prospecting permit or an exploration permit relates must be---

(a) signed by the permit holder; and

(b) in a form acceptable to the Secretary.

(2) The application must be accompanied by---

(a) the prescribed fee or evidence of it having been paid; and

(b) the information described in Part 1 of Schedule 3.

(3) The application and accompanying material must be lodged with the Secretary.

21 Application to extend land to which prospecting or exploration permit relates

(1) An application to the Minister under section 36(1) of the Act to extend the land to which a prospecting permit or an exploration permit relates must

be---

- (a) signed by the permit holder; and
 - (b) in a form acceptable to the Secretary.
- (2) The application must be accompanied by---
- (a) the prescribed fee or evidence of it having been paid; and
 - (b) the information described in Part 2 of Schedule 3.
- (3) The application and accompanying material must be lodged with the Secretary.

22 Application to extend or decrease minerals to which mining permit relates

- (1) An application to the Minister under section 36(1) of the Act to extend or decrease the minerals to which a mining permit relates must be---
- (a) signed by the permit holder; and
 - (b) in a form acceptable to the Secretary.
- (2) The application must be accompanied by---
- (a) the prescribed fee or evidence of it having been paid; and
 - (b) the information described in Part 3 of Schedule 3.
- (3) The application and accompanying material must be lodged with the Secretary.

23 Application to extend land to which mining permit relates

- (1) An application to the Minister under section 36(1) of the Act to extend the land to which a mining permit relates must be---
- (a) signed by the permit holder; and
 - (b) in a form acceptable to the Secretary.
- (2) The application must be accompanied by---
- (a) the prescribed fee or evidence of it having been paid; and
 - (b) the information described in Part 4 of Schedule 3.
- (3) The application and accompanying material must be lodged with the Secretary.

24 Application to extend duration of prospecting permit

(1) An application to the Minister under section 36(1) of the Act to extend the duration of a prospecting permit must be---

- (a) signed by the permit holder; and
- (b) in a form acceptable to the Secretary.

(2) The application must be accompanied by---

- (a) the prescribed fee or evidence of it having been paid; and
- (b) the information described in Part 5 of Schedule 3.

(3) The application and accompanying material must be lodged with the Secretary.

25 Application to extend duration of mining permit

(1) An application to the Minister under section 36(1) of the Act to extend the duration of a mining permit must be---

- (a) signed by the permit holder; and
- (b) in a form acceptable to the Secretary.

(2) The application must be accompanied by---

- (a) the prescribed fee or evidence of it having been paid; and
- (b) the information described in Part 6 of Schedule 3.

(3) The application and accompanying material must be lodged with the Secretary.

26 Application to extend duration of exploration permit for area of unbroken land (unless for purpose of discovery appraisal)

(1) An application to the Minister under section 37(1) of the Act to extend the duration of an exploration permit for an area of unbroken land must be---

- (a) signed by the permit holder; and
- (b) in a form acceptable to the Secretary.

(2) The application must be accompanied by---

- (a) the prescribed fee or evidence of it having been paid; and
- (b) the information described in Part 7 of Schedule 3.

(3) The application and accompanying material must be lodged with the

Secretary.

(4) This regulation does not apply to an application under section 37(2) of the Act to extend the duration of an exploration permit for an area of unbroken land for the purpose of appraising a discovery.

27 Application to extend duration of exploration permit for purpose of discovery appraisal

(1) An application to the Minister under section 37(2) of the Act to extend the duration of an exploration permit for the purpose of appraising a discovery must be---

- (a) signed by the permit holder; and
- (b) in a form acceptable to the Secretary.

(2) The application must be accompanied by---

- (a) the prescribed fee or evidence of it having been paid; and
- (b) the information described in Part 8 of Schedule 3.

(3) The application and accompanying material must be lodged with the Secretary.

28 Application for permit holder to transfer, lease, or otherwise deal with permit

(1) An application to the Minister under section 41(2) of the Act for the Minister's consent to an agreement that transfers or leases a permit must be---

- (a) in form 3 of Schedule 1; and
- (b) signed by the permit holder; and
- (c) lodged with the Secretary.

(2) An application under subclause (1) must be accompanied by---

- (a) the prescribed fee or evidence of it having been paid; and
- (b) the particulars of any proposed new operator of the permit; and
- (c) the particulars of any proposed new permit holder for the permit; and
- (d) if any proposed new permit holder is a New Zealand company, the address of its registered office and the unique number assigned to the company on its incorporation (commonly referred to as its Companies Office number); and
- (e) if any proposed new permit holder is 2 or more persons, an explanation of each person's proposed interest in the permit; and

(f) a statement setting out the reasons why, in the permit holder's opinion, the Minister should consent to the agreement being entered into that includes details of the technical qualifications and financial resources of any proposed new permit holder; and

(g) an executed copy of the agreement that requires the Minister's consent.

(3) An application to the Minister under section 41(2) of the Act for the Minister's consent to an agreement to otherwise deal with a permit must be---

(a) in form 3 of Schedule 1; and

(b) signed by the permit holder; and

(c) lodged with the Secretary.

(4) If the permit holder is more than 1 person, regulation 6(2) is satisfied, for the purposes of subclause (3), if the application is signed by only the permit holder to whom the dealing directly relates.

(5) An application under subclause (3) must be accompanied by---

(a) the prescribed fee or evidence of it having been paid; and

(b) a statement setting out the reasons why, in the permit holder's opinion, the Minister should consent to the dealing; and

(c) an executed copy of the agreement that requires the Minister's consent.

(6) For the purposes of this regulation, otherwise deal with a permit includes---

(a) creating any interest in or affecting any existing or future permit (other than by a transfer or lease of a permit); or

(b) transferring or otherwise dealing, either directly or indirectly, with any interest in or affecting any existing or future permit (other than by a transfer or lease of a permit); or

(c) imposing any obligation on the permit holder which relates to or affects the production of minerals or coal from the land to which the permit relates or the proceeds of the production (other than by a transfer or lease of the permit).

29 Application to amend conditions of permit

(1) An application to the Minister under section 36(1) of the Act for his or her consent to amend 1 or more conditions of a permit must---

(a) be in writing and signed by the permit holder concerned; and

(b) be lodged with the Secretary; and

(c) include the following information:

(i) the reference number of the permit; and

(ii) details of the proposed amendment or amendments to the permit conditions; and

(iii) the reasons why, in the permit holder's opinion, the Minister should amend the permit condition or conditions.

(2) The application must be accompanied by---

(a) the prescribed fee or evidence of it having been paid; and

(b) any other information relevant to the application (including any maps, diagrams, cross-sections, or reports).

Notices

30 Notice of surrender of permit

(1) A notice to the Secretary under section 40(1) of the Act of the surrender of a permit or part of a permit must be in form 2 of Schedule 1 and signed by the permit holder.

(2) The notice must be accompanied by---

(a) a statement of the reasons for the surrender; and

(b) if the notice is in respect of only part of the permit, a map of the existing permit area showing the boundaries of the area of land within it that is to be surrendered.

(3) For the purposes of subclause (2)(b), the boundaries of the area of land that is to be surrendered must be located and defined on the map using 1 or more of the following descriptors:

(a) co-ordinates of the boundaries:

(b) land parcels:

(c) bearings, distances, or both, from a fixed point (for example, a trig station) in terms of a specified projection:

(d) geographical features (for example, a river edge or mountain peak):

(e) coastline, sovereign, territorial, or other boundaries:

(f) any other descriptor acceptable to the Secretary.

31 Notice of access arrangement

A notice to the Registrar-General of Land of an access arrangement for the purposes of section 83(1) of the Act must be---

- (a) in form 4 of Schedule 1; and
- (b) signed by the permit holder or applicant for the permit concerned.

32 Notice of appeal against increase in bonds or monetary deposit
A notice of appeal under section 109(3) of the Act against a regional council's decision to increase the amount of a bond or monetary deposit under section 109(2) of the Act must be---

- (a) in form 5 of Schedule 1; and
- (b) signed by the holder of the coal mining right (or a person authorised to sign on behalf of the holder of the right); and
- (c) accompanied by a copy of the regional council's decision; and
- (d) lodged with the Environment Court.

Part 3

Reports, records, samples, and related matters

33 Permit holder must supply to Secretary all reports and records of prospecting and exploration activities

(1) A permit holder must supply to the Secretary, not later than 40 working days after the annual anniversary of the commencement of the permit, all reports and records created in the past year of any prospecting and exploration activities undertaken in relation to the permit.

(2) Without limiting subclause (1), the reports and records that must be supplied include all reports and records in respect of any of the following:

- (a) geological investigations, studies, or reviews:
- (b) reviews of existing data:
- (c) geochemical surveys:
- (d) geophysical surveys:
- (e) programmes of costeans and bulk sampling:
- (f) drilling and shaft sinking.

(3) A report must contain the information described in Part 1 of Schedule 4.

(4) In addition to the information required under subclause (3),---

(a) a report relating to a geochemical survey must contain the information described in Part 2 of Schedule 4:

(b) a report relating to a geophysical survey must contain the information described in Part 3 of Schedule 4:

(c) a report relating to a programme of costeans and bulk sampling must contain the information described in Part 4 of Schedule 4:

(d) a report relating to drilling and shaft sinking must contain the information described in Part 5 of Schedule 4.

(5) A map or plan supplied as part of a report or record must contain the information specified in paragraph (b) of the definition of map in regulation 4.

34 Reports and records must be complete

All reports and records supplied under regulation 33 must be complete and a permit holder who supplies a report or record that is incomplete or partially complete does not comply with that regulation.

Annual reports

35 Annual summary report on prospecting and exploration

(1) A permit holder must supply to the Secretary, not later than 40 working days after the annual anniversary of the commencement of the permit, a report on any prospecting or exploration activities that have taken place under the permit during the past year.

(2) The report must---

(a) be in a form acceptable to the Secretary; and

(b) contain the information described in Part 6 of Schedule 4.

(3) Subclauses (1) and (2) still apply even if no prospecting or exploration activities have taken place under the permit during the past year.

(4) At the request of the permit holder, the Secretary may approve an annual reporting period that differs from the year following the commencement, or the anniversary of the commencement, of the permit.

36 Special report on prospecting or exploration

(1) This regulation applies to a permit holder if the conditions of the permit concerned require the permit holder to have completed a major stage of prospecting or exploration work.

(2) The Secretary may require the permit holder to supply the Secretary with a special report summarising any prospecting or exploration activities that have taken place since the last annual summary report under regulation 35.

(3) The special report must---

(a) be in a form acceptable to the Secretary; and

(b) include a summary of as much of the information described in Part 6 of Schedule 4 as is applicable to the permit in the period since the last annual report under regulation 35.

(4) The special report must be supplied to the Secretary not more than 40 working days after being notified by the Secretary that a special report is required.

(5) The Secretary must not require a permit holder to supply a special report more than once in every 18 months.

37 Annual report on expenditure on prospecting and exploration

(1) A permit holder must supply to the Secretary, not later than 40 working days after the annual anniversary of the commencement of the permit, a report on the expenditure incurred under the permit during the past year.

(2) The report must---

(a) be in a form acceptable to the Secretary; and

(b) include the expenditure incurred for each of the categories described in Part 7 of Schedule 4.

(3) At the request of the permit holder, the Secretary may approve an annual reporting period that differs from the year following the commencement, or the anniversary of the commencement, of the permit.

38 Annual summary report on mining activities

(1) A permit holder must supply to the Secretary, not later than 40 working days after the annual anniversary of the commencement of the permit,---

(a) a report on the mining activities that have taken place under the permit during the past year; and

(b) details of the mining activities that are proposed under the permit in the current year.

(2) The report must---

(a) be in a form acceptable to the Secretary; and

(b) include the information described in Part 8 of Schedule 4.

(3) Subclauses (1) and (2) still apply even if no mining activities have taken place under the permit during the past year.

(4) At the request of the permit holder, the Secretary may approve an annual reporting period that differs from the year following the commencement, or the anniversary of the commencement, of the permit.

(5) This regulation does not apply if the mining permit concerned relates to gold fossicking, beach sand gold mining, or small-scale suction dredge gold mining.

39 Annual report on certain small-scale mining activities

(1) This regulation applies if a permit holder holds a mining permit for gold fossicking, beach sand gold mining, or small-scale suction dredge gold mining.

(2) The permit holder must supply to the Secretary, not later than 40 working days after the annual anniversary of the commencement of the permit, a report on the mining activities that have taken place under the permit during the past year.

(3) The report must---

(a) be in a form acceptable to the Secretary; and

(b) include the information described in Part 9 of Schedule 4.

(4) Subclauses (2) and (3) still apply even if no mining activities have taken place under the permit during the past year.

Reports and other documents on expiry or surrender of permit

40 Reports and other documents on expiry or surrender of permit

(1) Subclause (2) applies to a permit holder if---

(a) the permit concerned expires in accordance with section 35 of the Act; or

(b) the permit holder surrenders the permit concerned under section 40(1) of the Act.

(2) The permit holder must supply to the Secretary any report (or other document) on any activity under the permit begun, but not completed, before the permit expired or was surrendered that the permit holder would have been required to supply to the Secretary under these regulations had the activity been completed.

(3) The report (or other document) must be supplied not later than 40 working days after the permit expires or is surrendered.

41 Reports and other documents required on revocation of permit

(1) Subclause (2) applies to a permit holder if the permit concerned is revoked under section 39(2) of the Act.

(2) The permit holder must supply to the Secretary any report (or other

document) on any activity under the permit begun, but not completed, before the permit was revoked that the permit holder would have been required to supply to the Secretary under these regulations had the activity been completed.

(3) The report (or other document) must be supplied not later than 40 working days after the permit is revoked.

42 Documents required if permit area partially surrendered or relinquished

(1) Subclause (2) applies to a permit holder if the permit holder---

(a) surrenders part of the permit area to which the permit concerned relates under section 40(1) of the Act; or

(b) relinquishes part of the permit area to which the permit concerned relates.

(2) In addition to the requirements of section 90(6) of the Act, the permit holder must supply a report to the Secretary not later than 40 working days after the partial surrender or relinquishment has been accepted by the Secretary.

(3) The report must---

(a) be in a form acceptable to the Secretary; and

(b) contain a list of the reports and records required to be supplied under section 90(1) of the Act and regulation 33 that relate to---

(i) the entire permit area; and

(ii) the permit area surrendered or relinquished; and

(iii) the permit area to be retained.

(4) In this regulation, relinquish means the process by which an area of permit land is excluded from a permit by the operation of section 37(1) or (2) of the Act.

Core and samples

43 Core and samples

(1) All core and samples collected by a permit holder under a permit must be stored in a manner that, as far as possible, prevents their contamination, deterioration, or loss.

(2) The Secretary may, by notice in writing, request a permit holder to supply to the Secretary a representative sample of core or a representative fraction of any samples obtained in the course of prospecting or exploration and the permit holder must supply the core or sample not later than 40 working days after receiving the notice.

(3) If a permit holder intends to dispose of core obtained in the course of activities under a permit, the permit holder must give the Secretary not less than 20 working days notice of that intention and of the date on which the core is to be disposed of.

(4) Before the date notified under subclause (3), the Secretary may, by notice in writing, require the permit holder to prepare and supply the entire core or any part of the core to the Secretary and the permit holder must supply the core not later than 40 working days after receiving the notice.

(5) Core supplied to the Secretary under this regulation must be prepared and supplied in accordance with the specifications set out in Part 1 of Schedule 5.

(6) Samples supplied to the Secretary under this regulation must be prepared and supplied in accordance with the specifications set out in Part 2 of Schedule 5.

Part 4

Royalties, royalty statements, and royalty returns

44 Application of this Part

(1) Regulations 45 to 47 apply to a permit holder if the royalties for the permit concerned are calculated in accordance with the 2007 minerals programme.

(2) Regulations 48 to 51 apply to a permit holder if the royalties for the permit concerned are calculated in accordance with any other relevant minerals programme.

(3) Regulation 52 applies to all permit holders required to make royalty payments, whether the payments are calculated under the 2007 minerals programme or any other relevant minerals programme.

Royalty payments, statements, and returns: 2007 minerals programme

45 Interim royalty payment: 2007 minerals programme

(1) A permit holder who is required to make an interim royalty payment calculated under the 2007 minerals programme must make the payment---

(a) to the Secretary (on behalf of the Crown); and

(b) not later than 30 July following the period of January to June to which the payment relates.

(2) The payment must be accompanied by an interim royalty statement in a form acceptable to the Secretary.

(3) The interim royalty statement must contain---

(a) the information described in Part 1 of Schedule 6; and

(b) a declaration signed by the permit holder that the interim royalty statement is true and correct.

46 Annual royalty return: 2007 minerals programme

(1) A permit holder who is required to supply an annual royalty return in respect of a royalty calculated under the 2007 minerals programme must supply the return---

(a) to the Secretary; and

(b) in a form acceptable to the Secretary; and

(c) not later than 30 January of the year following the calendar year to which the royalty relates.

(2) The annual royalty return must contain---

(a) the information described in Part 2 of Schedule 6; and

(b) a declaration signed by the permit holder that the annual royalty return is true and correct.

(3) Despite subclause (2)(a), the annual royalty return may comprise a summary of any net sales revenue information for the period of January to June of the calendar year to which the return relates, if the permit holder has already supplied an interim royalty statement under regulation 45 for that period.

(4) Subclauses (1) and (2) still apply even if no royalty is payable for the calendar year in question.

(5) If the permit holder has already paid by an interim royalty payment more than the total royalty for the calendar year to which the annual return relates, the Secretary must---

(a) repay to the permit holder the amount overpaid; or

(b) at the request of the permit holder, credit the amount overpaid against the permit holder's liability for future royalties.

47 Final royalty return and payment: 2007 minerals programme

(1) A permit holder who transfers a permit, or whose permit expires or is surrendered or revoked, must make a final royalty return and payment.

(2) The payment must be made---

(a) to the Secretary (on behalf of the Crown); and

(b) not later than 30 days after the transfer, expiry, surrender, or revocation of the permit.

(3) The payment must be accompanied by a final royalty return in a form acceptable to the Secretary.

(4) The final royalty return must contain---

(a) the information described in Part 2 of Schedule 6; and

(b) either---

(i) the quantity of unsold closing stock at the date of the transfer, expiry, surrender or revocation, if the permit is a permit subject to a specific rate royalty; or

(ii) the arm's length value of the closing stock that is unsold at the date of the transfer, expiry, surrender, or revocation, if the permit is a permit subject to an ad valorem royalty; and

(c) a declaration signed by the permit holder that the final royalty return is true and correct.

Royalty payments, statements, and returns: Other minerals programmes

48 Interim royalty payment: other minerals programme

(1) A permit holder who is required to make an interim royalty payment calculated under an other minerals programme must make the payment---

(a) to the Secretary (on behalf of the Crown); and

(b) not later than---

(i) 30 calendar days after the end of the first 6 months of a reporting period; or

(ii) 30 calendar days after the end of a reporting period.

(2) The payment must be accompanied by an interim royalty statement in a form acceptable to the Secretary.

(3) The interim royalty statement must contain---

(a) a statement specifying the calculation of net sales revenue for the period to which the payment relates that includes---

(i) details of the quantity and value of the product sold, gifted, exchanged, or removed from the permit area without sale or used in the production process; and

(ii) any netbacks; and

(iii) any net forwards; and

(b) a statement of the royalty payable for the period to which the payment relates; and

(c) a declaration signed by the permit holder stating that the interim royalty statement is true and correct.

49 Annual royalty return: other minerals programme

(1) A permit holder who is required to supply an annual royalty return in respect of a royalty calculated under an other minerals programme must supply the return---

(a) to the Secretary; and

(b) in a form acceptable to the Secretary; and

(c) not later than 5 months after the end of the period to which the return relates.

(2) The annual royalty return must contain the information described in Part 1 of Schedule 7 and---

(a) a declaration signed by the permit holder stating that the annual royalty return is true and correct; or

(b) if regulation 51 applies, an accountant or auditor statement under that regulation.

(3) Despite subclause (2), the information described in clause 3 of Part 1 of Schedule 7 is not required to be included in the return if the net sales revenues for the permit or the combined net sales for the production unit concerned are---

(a) \$1 million or less for the period to which the return relates; or

(b) on average, \$83,333 or less per month, if the period to which the return relates is less than a 12-month period.

(4) Despite subclause (2), the annual royalty return may comprise a summary of any net sales revenue information for any interim period to which the annual return also relates, if the permit holder has already supplied an interim royalty statement under regulation 48 that covers that period.

(5) Subclauses (1) and (2) still apply even if no royalty is payable for the year in question.

50 Final royalty return and payment: other minerals programme

(1) A permit holder who transfers a permit, or whose permit expires or is surrendered or revoked, must make a final royalty return and payment.

(2) The payment must be made---

(a) to the Secretary (on behalf of the Crown); and

(b) not later than 5 months after the transfer, expiry, surrender, or revocation of the permit.

(3) The payment must be accompanied by a final royalty return in a form acceptable to the Secretary.

(4) The final royal return must contain---

(a) the information described in Part 1 of Schedule 7; and

(b) a statement of the arm's length value of the closing stocks that are unsold at the date of transfer, expiry, surrender, or revocation; and

(c) if the permit holder has paid provisional accounting profits royalty at any time during the term of the permit, the information described in Part 2 of Schedule 7; and

(d) either---

(i) a declaration signed by the permit holder stating that the annual royalty return is true and correct; or

(ii) if regulation 51 applies, an accountant or auditor statement under that regulation.

51 Accountant or auditor statement for purposes of annual or final royalty return: other minerals programme

(1) An annual royalty return or final royalty return must be accompanied by a statement under subclause (2), in a form approved by the Secretary,---

(a) if the net sales revenues for the mining permit concerned or the combined net sales revenues for the production unit concerned are more than \$1 million dollars in a reporting period or on average more than \$83,333 per month, if the reporting period is less than 12 months; or

(b) if---

(i) the net sales revenues for the mining permit concerned or the combined net sales revenues for the production unit concerned are \$1 million dollars or less in a reporting period or on average \$83,333 or less per month, if the reporting period is less than 12 months; and

(ii) the permit holder has engaged an accountant to prepare the annual or final return.

(2) The statement must be made by---

(a) an accountant; or

(b) an auditor, if---

(i) subclause (1)(a) applies; and

(ii) the permit holder has engaged an auditor to review its financial statements or financial information for the purposes of the Companies Act 1993 or the Financial Reporting Act 1993.

(3) The statement must undertake that---

(a) the deductions set out in the return have been checked by the accountant or the auditor and are in accordance with the permit; and

(b) the calculations set out in the return have been checked by the accountant or the auditor and are in accordance with the permit; and

(c) the return has been checked by the accountant or the auditor for arithmetical accuracy; and

(d) the return has been compared with the permit holder's trial balance and the amounts in the return have been correctly extracted.

Regulation that applies to all royalty returns

52 Permit holder must keep documents verifying royalty returns

(1) A permit holder must keep any document that relates to a royalty return until the earlier of---

(a) 7 years, calculated from the date the revenue was received or the expenditure incurred; or

(b) the date that the Secretary accepts the final royalty return for the permit concerned.

(2) The documents must be available---

(a) at any reasonable time for inspection in New Zealand by the Secretary (or any person authorised in writing by the Secretary for this purpose); and

(b) for the purposes of verifying the royalty returns concerned.

(3) For the avoidance of doubt, this regulation is not a regulation for the purpose of section 90(4) of the Act.

Part 5 Miscellaneous

53 Crown Minerals (Minerals and Coal) Regulations 1999 revoked
The Crown Minerals (Minerals and Coal) Regulations 1999 (SR 1999/312) are revoked.

Transitional provisions

54 Permit applications received but not determined before regulations

commence

Despite regulation 53, the Crown Minerals (Minerals and Coal) Regulations 1999 continue to apply to the following matters as if these regulations had not been made:

(a) a permit application received by the Secretary but not determined before the commencement of these regulations:

(b) an application to change a permit (for example, an application to amend its conditions, or extend the land to which it relates) received by the Secretary but not determined before the commencement of these regulations.

55 Annual summary reports on prospecting and exploration

(1) Despite regulations 35 and 53,---

(a) regulation 29 of the Crown Minerals (Minerals and Coal) Regulations 1999 continues to apply for the purposes of completing the annual summary report on prospecting and exploration for the period ending 31 March 2008; and

(b) regulation 35 of these regulations is satisfied, for the purposes of the first annual summary report under that regulation, by a permit holder supplying to the Secretary a report that covers the period from 1 April 2008 to the annual anniversary of the commencement of the permit concerned.

(2) For the avoidance of doubt, regulation 35 of these regulations applies, without modification, to any second and subsequent reports supplied by the permit holder.

56 Annual reports on expenditure on prospecting and exploration

(1) Despite regulations 37 and 53,---

(a) regulation 28 of the Crown Minerals (Minerals and Coal) Regulations 1999 continues to apply for the purposes of completing the annual summary report on prospecting and exploration for the period ending 31 March 2008; and

(b) regulation 37 of these regulations is satisfied, for the purposes of the first annual report under that regulation, by a permit holder supplying to the Secretary a report that covers the period from 1 April 2008 to the annual anniversary of the commencement of the permit concerned.

(2) For the avoidance of doubt, regulation 37 of these regulations applies, without modification, to any second and subsequent reports supplied by the permit holder.

57 Permit holders electing to move to 2007 minerals programme

(1) This regulation applies to a permit holder who, under section 22(1) of the Act, desires that the 2007 minerals programme apply to the permit concerned instead of the relevant minerals programme.

(2) For the purposes of calculating royalties in respect of the permit, the royalty regime in the 2007 minerals programme takes effect as from 1 January of the year following the permit holder's indication for the 2007 minerals programme to apply.

Schedule 1
Forms

r 14

Form 1 rr 14(1)(a)-(d), 16(1),
17(1), 18(1), 19(1)

Application for prospecting, exploration, or mining permit under section
23(1) of Crown Minerals Act 1991

Applicant details*

Full name of applicant:

Address for service:

Email address:

Full name and telephone
number of general contact
person for application:

Full name and telephone
number of financial contact
person for application:

Full name, telephone number,
and email address of
geotechnical contact person
for application:

Type of applicant: Incorporated society/overseas company/
partnership/charitable trust/registered
company/local authority/industrial and
provident society/Crown/other [state type]

Applicant's New Zealand
Companies Office number (if
applicable):+

*The personal information you must include in this form is needed to process your application under the Crown Minerals Act 1991. You have the right under the Privacy Act 1993 or the Official Information Act 1982 to access this information and request that it be corrected.

+The unique number assigned to the company on its incorporation.

Permit details

Permit type to which application relates:

Permit number (if application for subsequent permit):

Minerals to which permit relates:

If this is a prospecting application, is a non-exclusive permit sought? Yes/No

Duration: (years) (months)

Area: (hectares/square kilometres)

Location: (region) Onshore: Yes/No

Application fee

Cash Credit Cheque Direct Direct
card card debit credit

Supporting information

Please send with your application the prescribed fee required under the Crown Minerals (Minerals Fees) Regulations 2006 for an application of this type (or evidence of it having been paid) and any information that is required under the Crown Minerals (Minerals and Coal) Regulations 2007 to accompany an application of this type.

Authorised signature*

Authorised signature(s):

Print name:

Position of signatory:

Date:

*If made by 2 or more persons, this application must be signed in accordance with regulation 6 of the Crown Minerals (Minerals and Coal) Regulations 2007.

Form 2 rr 14(2), 30(1)
Notice of surrender or partial surrender of permit under section 40(1)
of Crown Minerals Act 1991

Permit holder details*

Full name of permit holder:

Permit number:

*The personal information you must include in this form is needed to process your application under the Crown Minerals Act 1991. You have the right under the Privacy Act 1993 or the Official Information Act 1982 to access this information and request that it be corrected.

Surrender details

Surrender: Partial surrender:

If partial surrender, area to (hectares/square
be surrendered: kilometres)

Person to contact concerning this application

Full name of contact person:

Email address:

Contact telephone:

Supporting information

Please send with your notice the prescribed fee required under the Crown Minerals (Minerals Fees) Regulations 2006 for a notice of this type (or evidence of it having been paid) and any information that is required under the Crown Minerals (Minerals and Coal) Regulations 2007 to accompany a notice of this type.

Authorised signature*

Authorised signature(s):

Print name:

Position of signatory:

Date:

*If made by 2 or more persons, this application must be signed in accordance with regulation 6 of the Crown Minerals (Minerals and Coal) Regulations 2007.

Form 3 rr 14(3), 28(1)(a), (3)(a)
Application for transfer, lease, assignment, or other dealing with
permit under section 41(2) of Crown Minerals Act 1991

Permit holder details*

Full name of permit holder:

Permit number:

Address for service:

*The personal information you must include in this form is needed to process your application under the Crown Minerals Act 1991. You have the right under the Privacy Act 1993 or the Official Information Act 1982 to access this information and request that it be corrected.

Person to contact concerning this notice

Full name of contact person:

Email address:

Contact telephone:

Supporting information

Please send with your application the prescribed fee required under the Crown Minerals (Minerals Fees) Regulations 2006 for an application of this type (or evidence of it having been paid) and any information required under the Crown Minerals (Minerals and Coal) Regulations 2007 to accompany an application of this type.

Authorised Signature*

Authorised signature(s):

Print name:

Position of signatory:

Date:

*If made by 2 or more persons, this application must be signed in accordance with regulation 6 of the Crown Minerals (Minerals and Coal) Regulations 2007. However, under regulation 28(4) of those regulations, an exception applies if the application is for the Minister's consent to otherwise deal with a permit (in which case only the permit holder to whom the dealing directly relates is required to sign the application).

Form 4 rr 14(4), 31
Notice to Registrar-General of Land of access arrangement for purposes
of section 83(1) of Crown Minerals Act

To the Registrar-General of Land

I, [full name of permit holder/permit applicant] of [address for service], being the holder of permit [permit number],* give notice under section 83 of the Crown Minerals Act 1991 of an access arrangement (within the meaning of section 2(1) of that Act) with the following:

*Include permit number if permit holder; delete phrase if permit applicant.

Land owner and occupier: [full name of land owner and occupier with whom arrangement entered into]*

*If the land owner and occupier are the same person, specify here; if the land occupier and owner are different, specify below.

or

Land owner: [full name of land owner with whom arrangement entered into]

And

Land occupier: [full name of land occupier with whom arrangement entered into]

Description of land: [specify cadastral descriptions and certificate of title or other instrument of land title details to which the access arrangement relates]

Details of arrangement

Date access arrangement commenced:

Duration of access arrangement:

Permit duration (if arrangement relates to a permit already granted):

Authorised signature

I/We being the permit holder(s)/applicant(s)* or the person authorised to sign on behalf of the permit holder(s)/applicant(s)* declare that the information given in this notice is true and correct.

*Delete whichever does not apply.

Signed:
(permit holder/permit applicant/person authorised to sign)

Dated:

Signed:
(permit holder/permit applicant/person authorised to sign)

Dated:

Copy of access arrangement

A copy of the access arrangement that has been made with the land owner and any occupier is attached to this notice.

Lodging notice

Under section 83(1) of the Crown Minerals Act 1991 you are required to lodge 3 copies of this notice with the Registrar-General of Land, accompanied by any fee prescribed by regulations made under the Land Transfer Act 1952.

Form 5 rr 14(5), 32
Notice of appeal under section 109(3) of Crown Minerals Act 1991 against
increase in amount of bond or monetary deposit

To the Registrar, Environment Court, Wellington

I, [full name of the applicant], of [address for service], being the holder of coal mining right [reference number], give notice of appeal under section 109(3) of the Crown Minerals Act 1991 against the decision of [name of the Regional Council that made the decision to increase the bond or deposit that applies to the coal mining right held].

Details relevant to appeal

Date of the decision appealed against:

Date on which notice of the decision was received by the appellant:

Amount of the deposit or bond originally lodged under section 71(1) of the Coal Mines Act 1979:

Level of the deposit or bond since the Regional Council's decision under section 109(2) of the Crown Minerals Act 1991:

Grounds on which the appeal is based:

The relief the appellant seeks:

Person to contact concerning this notice

Full name:

Telephone:

Fax:

Postal address (if different from address above):

Authorised signature

I/We the holder(s) of the coal mining right/the person(s) authorised to sign on

behalf of the holder(s) of the coal mining right* declare that the information given in this notice is true and correct.

*Delete whichever is inapplicable.

Signed:

(Signature of coal mining right holder(s)/person(s) authorised to sign)

Dated:

Signed:

(Signature of coal mining right holder(s)/person(s) authorised to sign)

Dated:

Supporting documents

Attach the following documents to this application (please print your name on each page):

- o a copy of the decision or relevant part of the decision of the Regional Council:
- o any other documents necessary for an adequate understanding of the appeal.

Note: If the space on any part of this form is insufficient to include all details, place them on a separate sheet, state "see attached sheet" in the appropriate space, and attach the sheet to the notice.

Service of notice

Serve a copy of the notice on the Regional Council and on the Chief Executive of the Ministry of Economic Development either before or immediately after it is lodged with the Environment Court.

Lodging notice

Lodge your notice of appeal with the Environment Court.

Schedule 2 rr 16(2)(b),
17(2)(b), 18(2)(b)

Information to accompany certain permit applications

Part 1

Information to accompany prospecting permit application under regulation 16

- 1 A statement of the technical qualifications and financial resources of the applicant.
- 2 If the application is on behalf of 2 or more persons, an explanation of each person's interest in the permit (including the percentage of the share of the permit that each person will hold).

- 3 A map of the permit area.
- 4 A summary of the geology, potential mineralisation, and exploration and mining history of the permit area.
- 5 A statement of the proposed minimum work programme that---
 - (a) states its objectives; and
 - (b) identifies the technical rationale, milestones, and deliverables of the programme; and
 - (c) identifies any ongoing work commitment options; and
 - (d) for each stage of the programme, states the estimated expenditure for the stage; and
 - (e) states the estimated expenditure for the proposed duration of the permit.
- 6 A statement of any other factors the applicant considers relevant to support the application.
- 7 If the application is over a broken area of land, a statement of the reasons why the application is necessary for a broken area.

Part 2

Information to accompany exploration permit application under regulation 17

- 1 A statement of the technical qualifications and financial resources of the applicant.
- 2 If the application is on behalf of 2 or more persons, an explanation of each person's interest in the permit (including the percentage of the share of the permit that each person will hold).
- 3 A map of the permit area.
- 4 A summary of the geology, potential mineralisation, and exploration and mining history of the permit area.
- 5 A statement of the proposed minimum work programme that---
 - (a) states its objectives; and
 - (b) identifies the technical rationale, milestones, and deliverables of the programme; and
 - (c) identifies any ongoing work commitment options; and
 - (d) for each stage of the programme (being not more than 36 months' duration), states the estimated expenditure for the stage; and

- (e) states the estimated expenditure for the proposed duration of the permit; and
 - (f) indicates any review or decision points in the programme that may lead to---
 - (i) exploration continuing; or
 - (ii) the permit holder applying for an extension of duration of the permit to appraise a discovery; or
 - (iii) the surrender of the permit; and
 - (g) if the programme depends on results from review or decision points, an outline of the likely course of exploration.
- 6 A statement of any other factors the applicant considers relevant to support the application.
- 7 If the application is over a broken area of land, a statement of the reasons why the application is necessary for a broken area.

Part 3

Information to accompany mining permit application under regulation 18

- 1 A statement of the technical qualifications and financial resources of the applicant.
- 2 If the application is on behalf of 2 or more persons, an explanation of each person's interest in the permit (including the percentage of the share of the permit that each person will hold).
- 3 A map of the permit area.
- 4 A report that sets out the evidence for an exploitable mineral deposit or mineable resource sufficient to support a mining permit, that includes---
 - (a) estimates of the mineable mineral resource, which may include---
 - (i) inferred, indicated, and measured mineral resources; and
 - (ii) probable and proved reserves; and
 - (b) a map showing the size and location of the deposit; and
 - (c) a description of the geology of the deposit; and
 - (d) if applicable, a description of the type of coal and its properties.
- 5 A statement of the proposed work programme that provides an overview of how the permit area will be worked that includes---
 - (a) the size, nature, extent, and siting of the proposed mining operations; and

- (b) the proposed mining methods to be used; and
- (c) the proposed mining and production schedule; and
- (d) the expected production and long-term mining scheme for the mineable resource; and
- (e) the proposed start date for production; and
- (f) any proposed prospecting or exploration work in relation to the permit area; and
- (g) the proposed expenditure under the permit; and
- (h) if applicable, the point of valuation for royalty purposes.

Schedule 3 rr 20(2)(b), 21(2)(b),
 22(2)(b), 23(2)(b),
 24(2)(b), 25(2)(b),
 26(2)(b), 27(2)(b)

Information to be included in certain applications

Part 1

Information to accompany application under regulation 20 to extend or decrease minerals to which prospecting or exploration permit relates

- 1 The reference number of the permit concerned.
- 2 The particulars of the person who is responsible for the application.
- 3 The minerals to which the proposed extension or decrease relates.
- 4 If the application is to extend the minerals to which the permit relates, a statement of the reasons why, in the permit holder's opinion, the Minister should extend the minerals, including---
 - (a) geological evidence that supports the application; and
 - (b) details of how the permit holder proposes to prospect or explore for the additional minerals; and
 - (c) a discussion of any proposed amendments to the current minimum work programme for the permit or the expenditure for it.
- 5 If the application is to decrease the minerals to which the permit relates, a statement of the reasons why, in the permit holder's opinion, the Minister should decrease the minerals.

Part 2

Information to accompany application under regulation 21 to extend land to which prospecting or exploration permit relates

- 1 The reference number of the permit concerned.
- 2 The particulars of the person who is responsible for the application.
- 3 The area of land to which the proposed extension would apply (in hectares or square kilometres).
- 4 A map showing the land for which the proposed extension is sought in relation to the existing permit.
- 5 A statement of the reasons why, in the permit holder's opinion, the Minister should extend the land to which the permit relates, including---
 - (a) geological evidence that supports the application; and
 - (b) details of how the permit holder proposes to prospect or explore the additional land; and
 - (c) a discussion of any proposed amendments to the current minimum work programme for the permit or the expenditure for it.

Part 3

Information to accompany application under regulation 22 to extend or decrease minerals to which mining permit relates

- 1 The reference number of the permit concerned.
- 2 The particulars of the person who is responsible for the application.
- 3 The minerals to which the proposed extension or decrease relates.
- 4 If the application is to extend the minerals to which the permit relates,---
 - (a) a statement of the reasons why, in the permit holder's opinion, the Minister should extend the minerals, including---
 - (i) geological evidence that there is a deposit of the minerals capable of being mined in the area (including maps, diagrams, cross-sections, and any other supporting evidence of the location and extent of the minerals); and
 - (ii) estimates of the mineable mineral resource, which may include---
 - (A) inferred, indicated, and measured mineral resources; and
 - (B) probable and proved reserves; and
 - (b) details of how the permit holder proposes to mine for the additional minerals; and
 - (c) a discussion of any proposed amendments to the current work programme for the permit; and

(d) a discussion of any proposed change to the point of valuation for royalties payable under the permit.

5 If the application is to decrease the minerals to which the permit relates,---

(a) a statement of the reasons why, in the permit holder's opinion, the Minister should decrease the minerals, including---

(i) evidence that the minerals are not capable of being mined within current technical and economic restraints; and

(ii) a discussion of any proposed amendments to the current work programme for the permit; and

(iii) a discussion of any proposed change to the point of valuation for royalties payable under the permit.

Part 4

Information to accompany application under regulation 23 to extend land to which mining permit relates

1 The reference number of the permit concerned.

2 The particulars of the person who is responsible for the application.

3 The area of land to which the proposed extension would apply (in hectares or square kilometres).

4 A map showing the land for which the proposed extension is sought in relation to the existing permit area.

5 A statement of the reasons why, in the permit holder's opinion, the Minister should extend the land to which the permit relates, including---

(a) geological evidence that there is a deposit capable of being mined in the area for which the proposed extension is sought (including maps, diagrams, cross-sections, and any other supporting evidence that indicates the location and extent of the identified deposit in that area); and

(b) estimates of the mineable mineral resource of the deposit in the land for which the extension is sought, which may include---

(i) inferred, indicated, and measured mineral resources; and

(ii) probable and proved reserves; and

(c) details of how the permit holder proposes to mine the additional land; and

(d) a discussion of any proposed amendments to the current work programme for the permit; and

(e) a discussion of any proposed change to the point of valuation for royalties payable under the permit.

Part 5

Information to accompany application under regulation 24 to extend duration of prospecting permit

- 1 The reference number of the permit concerned.
- 2 The particulars of the person who is responsible for the application.
- 3 A statement of the duration of the extension sought.
- 4 A statement of the proposed minimum work programme to be carried out during the proposed extension of duration.
- 5 The proposed expenditure for each stage of prospecting during the proposed extension of duration.
- 6 A statement of the reasons why, in the permit holder's opinion, the Minister should extend the duration of the permit, including discussion of---
 - (a) the objectives of the proposed minimum work programme to be carried out during the proposed extension; and
 - (b) the results of prospecting already undertaken by the permit holder; and
 - (c) the geology and potential mineralisation of the permit area.

Part 6

Information to accompany application under regulation 25 to extend duration of mining permit

- 1 The reference number of the permit concerned.
- 2 The particulars of the person who is responsible for the application.
- 3 A statement of the duration of the extension sought.
- 4 A statement of the reasons why, in the permit holder's opinion, the Minister should extend the duration of the permit, including---
 - (a) an explanation as to why the discovery to which the permit relates cannot be economically depleted before the current permit expires; and
 - (b) estimates of the mineral resources remaining in the land for which the extension is sought, which may include---
 - (i) inferred, indicated, and measured mineral resources; and
 - (ii) probable and proved reserves; and

(c) the work programme to be carried out during the proposed extension period, including details of any modifications to the existing work programme; and

(d) details of any proposed modifications to the mining schedule, production schedule, or proposed expenditure required to deplete the resource.

Part 7

Information to accompany application under regulation 26 to extend duration of exploration permit for area of unbroken land (unless for purpose of discovery appraisal)

- 1 The reference number of the permit concerned.
- 2 The particulars of the person who is responsible for the application.
- 3 A statement of the duration of the extension sought.
- 4 The area of land to which the proposed extension of duration would apply (in hectares or square kilometres).
- 5 A map of the existing permit area showing the boundary of the area of land within it to which the proposed extension of duration relates.
- 6 A statement of the proposed minimum work programme to be carried out during the proposed extension of duration that contains sufficient information for the Minister to satisfy himself or herself that the programme will provide for the satisfactory exploration of the land for which the extension is sought and that includes,---
 - (a) the objectives of the programme; and
 - (b) details of any proposed stages; and
 - (c) the proposed expenditure for each proposed stage; and
 - (d) the results of exploration activities undertaken by the permit holder in the permit area to date; and
 - (e) an explanation of the geology and potential mineralisation of the permit area.

Part 8

Information to accompany application under regulation 27 to extend duration of exploration permit for purpose of discovery appraisal

- 1 The reference number of the permit concerned.
- 2 The particulars of the person who is responsible for the application.
- 3 A statement of the duration of the extension sought.
- 4 The area of land to which the proposed extension of duration would apply

(in hectares or square kilometres).

5 A map of the existing permit area showing the boundary of the area of land within it to which the proposed extension of duration relates.

6 A discussion and preliminary evaluation of the discovery or discoveries that the permit holder has made, including---

(a) a detailed report and plans indicating the location, extent, and geology of the discovery; and

(b) the preliminary resource and reserve estimates; and

(c) the appraisal work that, in the permit holder's opinion, is necessary to advance the discovery to an exploitable mineral deposit or economically mineable resource.

7 A statement of the proposed appraisal work programme to be carried out during the extension of duration that---

(a) gives details of any proposed stages of work; and

(b) states the proposed expenditure for each proposed stage.

8 A discussion of the objectives of the proposed appraisal work programme that contains sufficient information for the Minister to satisfy himself or herself that---

(a) reasonable efforts are being made to carry out the appraisal work programme; and

(b) the proposed appraisal work programme is sufficient to carry out the proposed appraisal work; and

(c) the duration of the current permit is insufficient to carry out the appraisal work for the discovery.

Schedule 4 rr 33(3), (4), 35(2)(b),
36(3)(b), 37(2)(b),
38(2)(b), 39(3)(b)

Information to be included in reports on survey undertaken in respect of prospecting, exploration, or mining permit

Part 1

Information required under regulation 33 to be included in reports of prospecting and exploration activities

1 The particulars of the permit holder.

2 The reference number of the permit.

3 A full description of the activity undertaken that includes---

(a) the type of activity and its location; and

- (b) its start and finish dates.
- 4 The method or methods and equipment used.
- 5 The method used to determine the position of the measurement or observation points (including accuracy estimates).
- 6 The results obtained (including for each measurement or observation the value of it in terms of recognised physical units).
- 7 Any interpretations of the data obtained.
- 8 Records of data, including (if obtained or produced)---
 - (a) the spatial reference for the data; and
 - (b) the original observational data; and
 - (c) if the original data has been processed or corrected, a description of the method of processing or correction sufficient to enable the original observational data to be recovered.
- 9 Any maps, sections, or other documents produced.
- 10 For any published material referenced in the report, its full bibliographic details.

Part 2

Additional information required under regulation 33(4)(a) to be included in report of geochemical survey

- 1 All assay and sample location numbers.
- 2 Location measurements, which must include---
 - (a) the datum and projection (if applicable):
 - (b) the original observational data or, if the original data has been processed or corrected, a complete and adequate description of the method of processing or correction that enables the original data to be recovered.
- 3 Details of the sampling procedures used, including---
 - (a) the type of material sampled; and
 - (b) the size of the samples; and
 - (c) the depth of the samples.
- 4 Observation logs and files, if any.
- 5 A description of the sample preparation, including---
 - (a) the weight of the material analysed:

- (b) the size fraction analysed:
 - (c) the extent of milling and any pre-concentration undertaken, including magnetic fraction, pan concentrate, or heavy mineral separation.
- 6 Details of the analytical procedures used, including---
 - (a) the name of the laboratory that analysed the samples; and
 - (b) the extraction or digestion techniques used; and
 - (c) the analytical methods for identifying the limits of detection and precision.
 - 7 Reference background values in the area surveyed.
 - 8 A report interpreting the information in clause 7.
 - 9 Any anomaly or location maps or profiles prepared as part of the survey.
 - 10 Any special processed sections, plots, or similar material resulting from the survey.
 - 11 Details of any quality control or quality assurance studies resulting from the survey.

Part 3

Additional information required under regulation 33(4)(b) to be included in report of geophysical survey

- 1 Specifications of---
 - (a) the survey type; and
 - (b) the contractor used; and
 - (c) the instruments and equipment used, including type, power, accuracy, unit of measurement, and mode of recording.
- 2 In the case of a marine or airborne survey, the method of navigation used.
- 3 The details of the survey parameters, including---
 - (a) location:
 - (b) line spacing:
 - (c) ground clearance:
 - (d) water depth:
 - (e) in the case of---

- (i) an airborne survey, aircraft speed and flight lines:
 - (ii) a marine survey, the vessel speed and sail lines:
 - (iii) a satellite survey, the orbit details:
- (f) filter types:
 - (g) diurnal correction:
 - (h) electrode array:
 - (i) horizontal and vertical control:
 - (j) calibration of equipment:
 - (k) accuracy of the survey:
 - (l) corrections applied to the data:
 - (m) the time of an observation or measurement.
- 4 Maps or plans showing---
- (a) all traverse lines:
 - (b) flight lines for airborne surveys:
 - (c) sail lines for marine surveys:
 - (d) control points:
 - (e) major geographic features:
 - (f) the position, elevation, and value of all data or observation points relative to a recognised datum.
- 5 All anomaly maps and profiles prepared as part of the survey.
- 6 An interpretation of the data collected, including maps or plans, and the conclusions reached.

Part 4

Additional information required under regulation 33(4)(c) to be included in report of trenching, costeaning, pitting, or bulk sampling

- 1 The location of the trench or pit expressed in co-ordinates.
- 2 The location within the trench or pit of the spot or channel samples collected and, in the case of channel samples, the interval width.
- 3 The geological description of all formations exposed.
- 4 The assay results of samples or grade of mineral per bank cubic metre of

alluvial material.

- 5 The size of the bulk sample.
- 6 An interpretation of the data collected and the conclusions reached.

Part 5

Additional information required under regulation 33(4)(d) to be included in report of drilling and shaft sinking

- 1 The co-ordinates, including any elevations, of drill holes or shafts in terms of an official datum or projection approved, for the time being, by the Surveyor-General.
- 2 A grid plan, if a survey has been established as a location control for exploration or mining activities on the ground. The plan must show the grid orientation, the grid origin, and its relationship to an official datum or projection approved, for the time being, by the Surveyor-General.
- 3 Details of orientation method, if applicable.
- 4 For every drill hole or shaft, the following information:
 - (a) its depth:
 - (b) the angle of inclination and azimuth:
 - (c) its collar height relative to mean sea level and to the ground surface (if the hole or shaft is collared to the surface).
- 5 The dates on which drilling operations started and finished.
- 6 The drilling method used and the diameter of the drill holes.
- 7 If obtained, a description and results of all downhole surveys.
- 8 A detailed record and description of all formations and structures penetrated.
- 9 Downhole locations of all cores and other samples.
- 10 The percentage of core recovered from each core interval.
- 11 If obtained, core photographs, with each photograph labelled to show location and depth.
- 12 All geophysical logs.
- 13 An interpretation of the data collected and conclusions reached.
- 14 For all drill holes in connection with coal, the top and bottom of each coal seam and the quality of each seam, including the results of all analyses carried out.

15 For all drill holes in connection with minerals other than coal, and if applicable,---

- (a) the width and assays of all zones:
- (b) the results of all sample analyses.

16 The grade of the mineral per bank cubic metre of any alluvial material sampled and the method used to calculate the grade.

Part 6

Information required under regulation 35 (for annual summary report on prospecting and exploration) and regulation 36 (for special report on prospecting or exploration)

- 1 The particulars of the permit holder.
- 2 The reference number of the permit.
- 3 A summary of all prospecting and exploration activities, including---
 - (a) whether any geological mapping has been undertaken:
 - (b) the number of geochemical samples obtained:
 - (c) the type and amount of geophysical work:
 - (d) the number of metres (open hole and coring) drilled:
 - (e) the number of pits and costeans excavated and the length of costeans excavated:
 - (f) the number and volume of bulk samples taken:
 - (g) the number and type of assays taken:
 - (h) whether any metallurgical test work was undertaken:
 - (i) whether any mine feasibility studies were carried out.

Part 7

Information required under regulation 37 to be included in annual report on expenditure on prospecting and exploration

- 1 The particulars of the permit holder.
- 2 The reference number of the permit.
- 3 Expenditure, expressed in New Zealand dollars, for each of the following categories:
 - (a) mapping:

- (b) geochemical:
- (c) geophysical:
- (d) drilling:
- (e) appraisal:
- (f) data compilation:
- (g) consents:
- (h) administration:
- (i) other expenditure.

Part 8

Information required under regulation 38 to be included in annual summary report on mining activities

- 1 The particulars of the permit holder.
- 2 The reference number of the permit.
- 3 A summary of mine production for the past year.
- 4 An estimate of planned mine production for the current year or, if no production is planned, a statement, with reasons, to that effect.
- 5 A summary of the mining and processing methods proposed to be employed at the operation in the current year.
- 6 The proposed location, extent, direction of mining, and period of mine operation in the current year, including appropriate maps and plans necessary to enable a sound understanding of the proposed operations.
- 7 In the case of open cut and underground operations, a copy of the most recently completed survey pick-up of all mine workings and development.
- 8 A summary of the status of consents or applications for consents, including access arrangements and resource consents, that impact on the ability of the permit holder to give proper effect to the permit.
- 9 An up-to-date estimate of the remaining mineable resource which may include---
 - (a) inferred, indicated, and measured mineral resources; and
 - (b) probable and proved reserves.
- 10 A summary of any exploration and prospecting activity undertaken in the past year.

Part 9

Information required under regulation 39 to be included in report on small-scale mining activities

- 1 The particulars of the permit holder.
- 2 The reference number of the permit.
- 3 A summary of mine production for the past year.
- 4 An estimate of planned mine production for the current year or, if no production is planned, a statement, with reasons, to that effect.
- 5 A summary of the mining and processing methods proposed to be employed at the operation in the current year.
- 6 The proposed location, extent, direction of mining, and period of mine operation in the current year, including appropriate maps and plans necessary to enable a sound understanding of the proposed operations.

Schedule 5 r 43(5), (6)

Specifications for preparation and supply of core and samples

Part 1

Specifications for preparation and supply of core

- 1 Core must be arranged, in the precise order in which it was cut, in a core tray.
- 2 Each section of core must be labelled clearly, with indelible ink or core blocks, to indicate depths and to show which is the upper end and which the lower end of the core.
- 3 Each tray must be labelled clearly on the outside of the tray to show---
 - (a) the depth of the upper and lower ends of the core; and
 - (b) the name and number of the drill hole the core was obtained from; and
 - (c) the name of the permit holder; and
 - (d) the permit reference number to which the drill hole relates.
- 4 If more than 1 core tray is required, trays must be numbered consecutively.

Part 2

Specifications for preparation and supply of samples

- 1 The samples must be in durable rot-proof bags or containers, arranged in consecutive order, and stored in a suitable box.
- 2 Each sample must indicate clearly the depth and location from which it was

obtained.

3 Each box must be clearly labelled, in indelible ink, on the outside to show---

- (a) the sample designation and number; and
- (b) the name of the survey and number of samples collected; and
- (c) the name of the permit holder; and
- (d) the permit reference number to which the samples relate.

4 If more than 1 box is required, the boxes must be numbered consecutively.

Schedule 6 rr 45(3)(a), 46(2)(a),
47(4)(a)

Information required to be supplied with royalty statements and royalty returns: 2007 minerals programme

Part 1

Information required to be included in interim royalty statement under regulation 45(3)(a)

1 For a permit subject to a specific rate royalty,---

(a) a statement specifying the calculation of the amount of sales for each product for the period to which the payment relates that includes, for each product,---

- (i) the quantity produced; and
- (ii) the quantity of opening stock; and
- (iii) the quantity sold; and
- (iv) the quantity used in the production process; and
- (v) the quantity gifted, exchanged, or removed from the permit area without sale; and
- (vi) the quantity of closing stock; and
- (vii) the total revenue from sales; and

(b) a statement of the royalty payable for the period concerned (including any inflation adjustment made by reference to the Producers Price Index).

2 For a permit subject to an ad valorem royalty,---

(a) a statement specifying the calculation of net sales revenues for each product for the period to which the payment relates that includes, for each product,---

- (i) the quantity produced; and
 - (ii) the quantity of opening stock; and
 - (iii) the quantity and value sold; and
 - (iv) the quantity and value used in the production process; and
 - (v) the quantity and value gifted, exchanged, or removed from the permit area without sale; and
 - (vi) the quantity of closing stock; and
 - (vii) any netbacks; and
 - (viii) any net forwards; and
- (b) a statement of the royalty payable for the period concerned.

Part 2

Information required to be included in royalty return under regulation 46(2)(a) or 47(4)(a)

1 For a permit subject to a specific rate royalty,---

(a) a statement specifying the calculation of the amount of sales for each product for the calendar year to which the return relates that includes, for each product,---

- (i) the quantity produced; and
- (ii) the quantity of opening stock; and
- (iii) the quantity sold; and
- (iv) the quantity used in the production process; and
- (v) the quantity gifted, exchanged, or removed from the permit area without sale; and
- (vi) the quantity of closing stock; and
- (vii) the total revenue from sales; and

(b) a statement of the royalty payable for the period concerned (including any inflation adjustment made by reference to the Producers Price Index).

2 For a permit subject to an ad valorem royalty,---

(a) a statement specifying the calculation of net sales revenues for each product for the period to which the payment relates that includes, for each product,---

- (i) the quantity produced; and
 - (ii) the quantity of opening stock; and
 - (iii) the quantity and value sold; and
 - (iv) the quantity and value used in the production process; and
 - (v) the quantity and value gifted, exchanged, or removed from the permit area without sale; and
 - (vi) the quantity of closing stock; and
 - (vii) any netbacks; and
 - (viii) any net forwards; and
- (b) a statement of the royalty payable for the period concerned.

Schedule 7 rr 49(2), 50(4)(a), (c)
 Information required to be supplied with royalty returns: other minerals
 programme

Part 1
 Information required to be included in royalty return under regulation 49(2) or
 50(4)(a)

1 A statement specifying the calculation of net sales revenues for the period to which the return relates that includes, for each product stream,---

- (a) the quantity produced; and
- (b) the quantity of opening stock; and
- (c) the quantity and value sold; and
- (d) the quantity and value used in the production process; and
- (e) the quantity and value gifted, exchanged, bartered, or removed from the permit area without sale; and
- (f) the production adjustment (coal only, including coal wasted or dumped on the mine site which has no value); and
- (g) the arm's length value of the product not sold but on which a royalty is payable; and
- (h) the quantity of closing stock; and
- (i) any allowable netbacks or net forwards.

2 A calculation of the ad valorem royalty for the period to which the return relates.

3 A calculation of any allowable accounting profits royalty deductions and the provisional accounting profits royalty for the period to which the return relates that includes the following information:

(a) pre-production costs (including details of prospecting and exploration, land access, development, permit maintenance, evaluation, and construction costs); and

(b) production costs; and

(c) depreciation; and

(d) administrative costs (including insurance, communication, travel, audit or accountancy, legal, contract negotiation, and office expenses); and

(e) restoration costs; and

(f) operating losses carried forward from the previous reporting period; and

(g) capital proceeds (including proceeds from hire, rent, or lease of land or fixed assets, and gains or losses on disposal of land or fixed assets).

4 A statement of the royalty payable for the period to which the return relates (with details of any payment attached).

Part 2

Information required to included in final royalty return under regulation 50(4)(c)

1 Details of any allowable accounting profits royalty deductions (other than restoration costs or restoration costs carried back) that the permit holder is claiming for the return, including---

(a) pre-production costs; and

(b) production costs; and

(c) depreciation; and

(d) administrative costs; and

(e) loss carried forward (from the period immediately preceding the reporting period).

2 Details of the restoration costs to be carried back and any recapture of capital expenditure deductions.

3 The calculation of the ad valorem and final accounting profits royalty in respect of any period for which provisional accounting profits were paid during the life of the permit.

4 A statement of any refund of overpayment of provisional accounting profits

royalty claimed.

Rebecca Kitteridge,
for Clerk of the Executive Council.

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