

DRAFT FOR CONSULTATION

Prohibition of Seabed Mining Legislation Amendment Bill

Member's Bill

Explanatory note

General policy statement

The purpose of this Bill is to prohibit seabed mining in all marine environments of Aotearoa New Zealand, regardless of the statutory approval pathway used.

Despite successive regulatory regimes, including the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 and the Fast-track Approvals Act 2024, seabed mining proposals have repeatedly demonstrated significant, irreversible, and unmanageable adverse effects on marine ecosystems, taonga species, tikanga Māori, and the relationship of iwi and hapū with the moana.

Recent decisions by expert decision-making bodies have confirmed that the environmental, cultural, and tikanga impacts of seabed mining cannot be adequately avoided, remedied, or mitigated through conditions. In particular, uncertainty relating to sediment plumes, underwater noise, benthic ecosystem damage, and impacts on taonga species has been found to outweigh any claimed economic benefits.

This Bill reflects the conclusion that regulation has reached its limit and that prohibition is required in the interests of environmental protection, intergenerational equity, and the Crown's obligations under Te Tiriti o Waitangi.

The Bill amends relevant legislation to ensure seabed mining cannot be authorised under any consenting, permitting, or fast-track regime, now or in the future.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for this Bill to come into force on the day after Royal assent.

Part 1

Amendments to Crown Minerals Act 1991

Clause 3 identifies the Crown Minerals Act 1991 as the Act being amended by this Part.

Clause 4 amends section 2 to insert a definition of prohibited activity, which means prospecting or exploration for, or mining, Crown owned minerals on the seabed to the outer limits of the territorial sea.

Clause 5 amends section 23A to preclude a person applying for a permit for a prohibited activity.

Clause 6 amends section 24 to prohibit the Minister offering permits for allocation in respect of a prohibited activity.

Clause 7 amends section 25 to prevent the Minister granting a permit for a prohibited activity.

Clause 8 amends section 36 to prevent a permit being changed to authorise a prohibited activity.

Clause 9 inserts a *new section 39A* into the Act to require the Minister to revoke a permit if it relates to, or the permit holder undertakes, a prohibited activity.

Clause 10 inserts a new part into Schedule 1 of the Act to make provision for transitional and saving provisions in respect of this Bill.

Part 2

Amendments to Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

Clause 11 identifies the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 as the Act being amended by this Part.

Clause 12 repeals section 22, which allowed planned petroleum activities to commence.

Clause 13 amends section 23, which allows certain existing activities that become prohibited to continue, to clarify that a mining activity is not permitted to continue under this section.

Clause 14 amends section 37 to identify a mining activity as a prohibited activity.

Clause 15 inserts a new part into Schedule 1 of the Act to make provision for transitional and saving provisions in respect of this Bill.

Part 3

Amendments to Fast-Track Approvals Act 2024

Clause 16 identifies the Fast-Track Approvals Act 2024 as the Act being amended by this Part.

Clause 17 amends section 5 to provide that seabed mining is an ineligible activity by reference to amendments made in *Parts 1, 2 and 4* of this Bill.

Clause 18 inserts a new part into Schedule 1 to make provision for transitional and saving provisions in respect of this Bill.

Clause 19 amends Schedule 2 to remove items relating to projects that involve seabed mining.

Part 4

Amendments to Resource Management Act 1991

Clause 20 identifies the Resource Management Act 1991 as the Act being amended by this Part.

Clause 21 amends section 87B to identify prospecting or exploration for, or mining, Crown owned minerals on the seabed to the outer limits of the territorial sea as prohibited activities.

Clause 22 inserts a new part into Schedule 12 of the Act to make provision for transitional and saving provisions in respect of this Bill.

Debbie Ngarewa-Packer

Prohibition of Seabed Mining Legislation Amendment Bill

Member's Bill

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The Parliament of New Zealand enacts as follows:

- Title**
This Act is the Prohibition of Seabed Mining Legislation Amendment Act **2026**.
- Commencement**
This Act comes into force on the day after Royal assent.

- Part 1**
Amendments to Crown Minerals Act 1991
- Principal Act**
This Part amends the Crown Minerals Act 1991.

4 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

prohibited activity means prospecting or exploration for, or mining, Crown owned minerals on the seabed to the outer limits of the territorial sea.

5 Section 23A amended (Application for permits)

After section 23A(1), insert:

(2) However,—

- (a) a person may not apply under this section for a permit for a prohibited activity:
- (b) this subsection applies despite anything to the contrary in this Act.

6 Section 24 amended (Allocation by public tender)

After section 24(1), insert:

(1A) Despite subsection (1), the Minister must not offer permits for allocation in respect of a prohibited activity.

7 Section 25 amended (Grant of permit)

After section 25(2), insert:

(2A) Despite anything to the contrary in this Act (including section 1A), the Minister must not grant a permit for a prohibited activity.

8 Section 36 amended (Change to permit)

After section 36(2), insert:

(2A) However, a change to a permit may not authorise a prohibited activity.

9 Section 39A inserted (Minister must revoke permit for prohibited activity)

After section 39, insert:

39A Minister must revoke permit for prohibited activity

The Minister must revoke a permit if the Minister is satisfied that the permit relates to, or a permit holder has undertaken, a prohibited activity.

10 Schedule 1 amended

In Schedule 1, insert the Part set out in **Schedule 1** of this Act as the last Part.

Part 2

Amendments to Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

11 Principal Act

This Part amends the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

12 Section 22 repealed (Planned petroleum activities may commence)

Repeal section 22.

13 Section 23 amended (Certain existing activities that become prohibited may continue)

After section 23(2), insert:

- (3) To avoid doubt, this section does not apply to a mining activity that is a prohibited activity under **section 37(1)(a)**.

14 Section 37 amended (Prohibited activities)

Replace section 37(1) with:

- (1) An activity is a **prohibited activity** if—
- (a) it is a mining activity; or
 - (b) it is described in regulations as a prohibited activity.

15 Schedule 1 amended

In Schedule 1, insert the Part set out in **Schedule 2** of this Act as the last Part.

Part 3

Amendments to Fast-Track Approvals Act 2024

16 Principal Act

This Part amends the Fast-Track Approvals Act 2024

17 Section 5 amended (Meaning of ineligible activity)

- (1) Above section 5(1)(l)(i), insert:

(iaa) an activity that is prohibited under the Crown Minerals Act 1991;
or

- (2) Replace section 5(1)(l)(iii) with:

(iii) an activity that is prohibited by section 15C or **87B(1A)** of the Resource Management Act 1991:

- (3) In section 5(2), after “subsection 1(a)” delete “(b),”.

18 Schedule 1 amended

In Schedule 1, insert the Part set out in **Schedule 3** of this Act as the last Part.

19 Schedule 2 amended

In Schedule 2, repeal the items relating to McCallum Bros Limited and Trans-Tasman Resources Limited.

Part 4

Amendments to Resource Management Act 1991

20 Principal Act

This Part amends the Resource Management Act 1991.

21 Section 87B amended (Certain activities to be treated as discretionary activities or prohibited activities)

After section 87B(1), insert:

- (1A) Prospecting, exploring, or mining for Crown owned minerals in the territorial sea must be treated as a prohibited activity.

22 Schedule 12 amended

In Schedule 12, insert the Part set out in **Schedule 4** of this Act as the last Part.

Schedule 1**New Part 7 inserted into Schedule 1 of Crown Minerals Act 1991****s 10****Part 7****Provisions relating to Prohibition of Seabed Mining Legislation
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In Part 4 of this schedule,—

Amendment Act means the Prohibition of Seabed Mining Legislation Amendment Act 2026

existing application means an application for a permit for prohibited activity that—

- (a) was lodged by a person under section 23A before the commencement date; and
- (b) as at the commencement date had not been finally determined

existing permit means a permit for a prohibited activity that is current immediately before the commencement of the Amendment Act

existing tender means a tender for a permit for a prohibited activity that—

- (a) was submitted in response to a public tender process under section 24 before the commencement date; and
- (b) as at the commencement date had not been finally determined.

53 Existing permits revoked

- (1) Existing permits are revoked.
- (2) An activity that was authorised by a permit that is revoked in accordance with this clause must immediately stop.

54 Matters pending on commencement date

All existing applications and existing tenders must be determined in accordance with this Act (as amended by the amendment Act).

55 No compensation payable

- (1) No compensation is payable by the Crown for any loss or damage, or any adverse effect on or under any right or interest, arising from the enactment or operation of the amendment Act.
- (2) If there is any inconsistency between this clause and any other enactment or rule of law, this clause prevails over that enactment or rule of law.

56 Changes to minerals programme

Nothing in sections 17 and 18 applies to a change to a minerals programme if the change inserts information into the programme to explain the effect of the amendments made to this Act by the Amendment Act.

Schedule 2

New Part 3 inserted into Schedule 1 of Exclusive Economic Zone and
Continental Shelf (Environmental Effects) Act 2012

s 15

Part 3

Provisions relating to Prohibition of Seabed Mining Legislation
Amendment Act 2026

4 Interpretation

In this Part,—

amendment Act means the Prohibition of Seabed Mining Legislation Amendment Act 2026

commencement date means the date on which the amendment Act comes into force

pending consent application means an application for a marine consent in respect of a mining activity that—

- (a) was made under section 38 before the commencement date; and
- (b) as at the commencement date had not been finally determined

pending proceeding means an objection, appeal, or proceeding under Part 4 of this Act that was commenced before the commencement date and as at that date had not been finally determined

pending review means a review under section 76 that was commenced before the commencement date and as at that day had not been completed.

5 Existing activities that become prohibited

- (1) This section applies to a mining activity that—
 - (a) becomes a prohibited activity as a result of the amendment Act coming into force; and
 - (b) was lawfully established before the amendment Act comes into force.
- (2) The activity must cease on the commencement date.

6 Matters pending on commencement date

- (1) The Environmental Protection Authority must deal with all pending consent applications in accordance with this Act (as amended by the amendment Act).
- (2) All pending proceedings must be determined in accordance with this Act (as amended by the amendment Act).
- (3) All pending reviews must be discontinued and the Environment Protection Authority must not take any action to progress any of the reviews.

7 No compensation payable

- (1) No compensation is payable by the Crown for any loss or damage, or any adverse effect on or under any right or interest, arising from the enactment or operation of the amendment Act.
- (2) If there is any inconsistency between this clause and any other enactment or rule of law, this clause prevails over that enactment or rule of law.

Schedule 3
New Part 3 inserted into Schedule 1 of Fast-Track Approvals Act
2024

s 18

Part 3
Provisions relating to Prohibition Seabed Mining Legislation
Amendment Act 2026

16 Interpretation

In this Part,—

amendment Act means the Prohibition of Seabed Mining Legislation Amendment Act **2026**

commencement date means the date on which the amendment Act comes into force

pending application means a referral application or a substantive application made under this Act in respect of an activity that is an ineligible activity as a result of the amendment Act that—

- (a) was made before the commencement date; and
- (b) as at the commencement date had not been determined

pending proceeding means an objection, appeal, or proceeding under this Act that was commenced before the commencement date and as at that day had not been finally determined.

17 Existing approval that includes ineligible activity

- (1) This section applies to an approval granted under this Act before the commencement date that includes an activity that becomes an ineligible activity as a result of the amendment Act coming into force.
- (2) The approval ceases to have effect on the commencement date and any activity undertaken in reliance on the approval must cease.

18 Matters pending on commencement date

- (1) All pending applications must be determined in accordance with this Act (as amended by the amendment Act).
- (2) All pending proceedings must be determined in accordance with this Act (as amended by the amendment Act).

19 No compensation payable

- (1) No compensation is payable by the Crown for any loss or damage, or any adverse effect on or under any right or interest, arising from the enactment or operation of the amendment Act.
- (2) If there is any inconsistency between this clause and any other enactment or rule of law, this clause prevails over that enactment or rule of law.

Schedule 4

**New Part 10 inserted into Schedule 12 of Resource Management Act
1991**

s 22

Part 10

**Provisions relating to Prohibition of Seabed Mining Legislation
Amendment Act 2026**

62 Interpretation

In this Part,—

amendment Act means the Prohibition of Seabed Mining Legislation Amendment Act **2026**

commencement date means the date on which the amendment Act comes into force

prohibited mining activity means an activity prohibited under **section 87B(1A)**

pending consent application means an application for a resource consent in respect of a prohibited mining activity that—

- (a) was made before the commencement date; and
- (b) as at the commencement date had not been finally determined

pending proceeding means an objection, appeal, or proceeding under this Act that was commenced before the commencement date and as at that day had not been finally determined.

63 Existing activities that become prohibited

- (1) This section applies to a mining activity that—
 - (a) becomes a prohibited mining activity as a result of the amendment Act coming into force; and
 - (b) was lawfully established before the amendment Act comes into force.
- (2) The activity must cease on the commencement date.

64 Matters pending on commencement date

- (1) All pending consent applications must be determined in accordance with this Act (as amended by the amendment Act).
- (2) All pending proceedings must be determined in accordance with this Act (as amended by the amendment Act).

65 No compensation payable

- (1) No compensation is payable by the Crown for any loss or damage, or any adverse effect on or under any right or interest, arising from the enactment or operation of the amendment Act.
- (2) If there is any inconsistency between this clause and any other enactment or rule of law, this clause prevails over that enactment or rule of law.