

DRAFT FOR CONSULTATION

Crown Minerals (Prohibition on Coal Mining) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill prohibits new coal mines and any expansion of existing coal mines after 1 January 2025. This will protect the climate from the greenhouse gas emissions generated by burning coal, and better protect New Zealand's landscapes.

Coal mining degrades habitats, natural features and landscapes – while contributing to climate change. To stay within the 1.5 degree window agreed under the Paris Agreement, it is essential to phase out coal mining as soon as possible, starting with prohibiting new coal mines. This Bill will ensure that Aotearoa takes a clear stand for a climate-safe future free from fossil fuels.

Mining in coal measure landscapes such as the Denniston Plateau have permanently changed those landscapes and cleared slow growing, small stature vegetation. It has destroyed the habitat of threatened species, and caused clearance of significant vegetation.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for the Bill to come into force on 1 January 2025.

Clause 3 identifies the Crown Minerals Act 1991 (the **principal Act**) as the Act being amended by the Bill.

Clauses 4 and 5 amend sections 23A and 25 of the principal Act. Those sections relate to applications for, and the grant of, prospecting, exploration, and mining permits. The effects of the amendments are to prohibit applications for, and the grant of, permits relating to coal.

Clause 6 amends section 32 by inserting a reference to the transitional provisions in Schedule 1 relating to the rights of permit holders to apply for subsequent permits. *New clause 43* of Schedule 4 provides that applications for a subsequent permit in exchange for an existing permit must be determined in accordance with this Act.

Clause 7 and the *Schedule* provide for transitional matters relating to this Bill. They provide that existing applications for permits must be determined in accordance with the principal Act as amended, but existing permits remain unaffected by the Bill. The *Schedule* also states that no compensation or damages are payable by the Crown for any loss or damage arising from the enactment of the Bill.

Hon Julie Anne Genter

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Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act	1
4 Section 23A amended (Application for Permits)	1
5 Section 25 amended (Grant of permit)	2
6 Section 32 amended (Right of permit holder to subsequent permits)	2
7 Schedule 1 amended (Transitional, savings, and related provisions)	2
Schedule	3
New Part 6 inserted into Schedule 1	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crown Minerals (Prohibition on Coal Mining) Amendment Act **2024**.

2 Commencement

This Act comes into force on 1 January 2025.

3 Principal Act

This Act amends the Crown Minerals Act 1991.

4 Section 23A amended (Application for Permits)

After section 23A(2), insert:

**Crown Minerals (Prohibition on Coal Mining)
Amendment Bill**

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- (3) However, despite anything to the contrary in this Act, a person must not apply for a prospecting permit for coal, an exploration permit for coal, or a mining permit for coal under this Act in respect of any land.

5 Section 25 amended (Grant of permit)

After section 25(2A), insert:

- (2B) The Minister must not grant a prospecting permit for coal, an exploration permit for coal, or a mining permit for coal under this Act in respect of any land.

6 Section 32 amended (Right of permit holder to subsequent permits)

After section 32(8), insert:

- (9) *See also clause 43* of Schedule 1 (which applies to applications for subsequent permits).

7 Schedule 1 amended (Transitional, savings, and related provisions)

In Schedule 1,—

- (a) insert the Part set out in the Schedule of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Schedule
New Part 6 inserted into Schedule 1

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Part 6
Provisions relating to Crown Minerals (Prohibition on Coal Mining)
Amendment Act 2024

42 Interpretation

In this Part,—

Amendment Act means the Crown Minerals (Prohibition on Coal Mining) Amendment Act **2024**

commencement date means 1 January 2025

existing permit means a prospecting, exploration, or mining permit that exists immediately before the commencement date.

43 Existing applications for permits determined in accordance with Act as amended

Any application (including an application for a subsequent permit under section 32 of the Act) that was lodged or submitted, but not determined, before the commencement date—

- (a) is treated as having been withdrawn; and
- (b) is treated as having been re-lodged or re-submitted immediately after the commencement date; and
- (c) must be determined in accordance with this Act as amended by the Amendment Act.

44 Applications for access with existing prospecting, exploration, and mining permits

The Minister must not accept any application for access to land with an existing permit other than for minimum impact activity after the commencement date.

45 Existing permits unaffected

- (1) This Act continues to apply to existing permits as if the Amendment Act had not been enacted.
- (2) Existing permits (including any conditions to which the permits are subject immediately before the commencement date) continue to have effect according to their terms (unless and until those conditions are amended, or those terms

are changed, in accordance with this Act as if the Amendment Act had not been enacted).

46 No compensation or damages

No compensation or damages are payable by the Crown for any loss or damage arising from the enactment of the Amendment Act.