

DRAFT FOR CONSULTATION

Crown Minerals (Prohibition on Mining on Conservation Land) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This Bill prohibits new exploration, prospecting and mining activity on conservation lands and waters. This will better protect landscapes, natural features, indigenous plants and wildlife scientific, cultural and recreational values on public conservation land.

Conservation lands and waters have been set aside to preserve and protect natural and historic resources for their own sake, and to provide for their appreciation and enjoyment and safeguard options for present and future generations. Around 33% of Aotearoa New Zealand's land area, or 8.5 million hectares of land is conservation land. The public expect our network of parks and reserves and other conservation areas to provide a guaranteed level of protection for these values.

Mining currently has a privileged status and is treated differently to other commercial activities on conservation land. This has resulted in activities being allowed which are contrary to the purpose for which land is held – to protect conservation values. This Bill will ensure conservation status provides the protection from mining that the public expect.

The Bill makes no changes to Te Tiriti o Waitangi (the Treaty of Waitangi) settlement commitments, including the Ngai Tahu Pounamu Vesting Act. Gathering clay or minerals for customary Māori purposes does not currently require a prospecting, exploration or mining permit under the Crown Minerals Act. This approach will continue under the Bill. Customary access will also continue for culturally significant minerals such as obsidian, argillite, pukepotu (iron manganese); kokowai (red and yellow ochre) on conservation land.

The Bill does not change the existing provisions in the principal Act which allow for scientific research, separate to mining permits. Small scale recreational fossicking

activities using handheld tools such as gold panning do not currently require a permit, and the Bill will also not change this.

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 the day after Royal assent.

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 in respect of any conservation land (that is, the land described in Schedule 4).

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 53* of Schedule 1 provides that applications for a subsequent permit in exchange for an existing permit must be determined in accordance with the principal Act as amended by this Bill.

Clause 7 inserts *new section 40A* which provides that if protected wildlife, as defined in section 2(1) of the Conservation Act 1987, is found on the land specified in a prospecting permit, an exploration permit, or a mining permit, that permit must be surrendered.

Clause 8 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.

Clause 9 amends Schedule 4 of the principal Act by replacing the heading with “Land to which restrictions apply”. It also replaces clause 12 so as to broaden the scope of Schedule 4 to include all Crown land held, as at 1 October 1991, under the Conservation Act 1987 or any enactment set out in Schedule 1 of that Act.

Lan Pham

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Schedule

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New Part 7 inserted into Schedule 1

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Crown Minerals (Prohibition on Mining on Conservation Land) Amendment Act **2026**.

2 Commencement

This Act comes into force on the day after Royal assent.

3 Principal Act

This Act amends the Crown Minerals Act 1991.

4 Section 23A amended (Application for Permits)

After section 23A(1), insert:

- (2) However,—
- (a) a person must not apply for a prospecting permit, an exploration permit, or a mining permit under this Act in respect of any land described in Schedule 4:
 - (a) the chief executive must not accept an application of the kind described in **paragraph (a)**.

5 Section 25 amended (Grant of permit)

After section 25(2), insert:

- (2A) The Minister must not grant a prospecting permit, an exploration permit, or a mining permit under this Act in respect of any land described in Schedule 4.

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

After section 32(9), insert:

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

7 New section 40A inserted (Surrender of permit where rare or threatened species is found)

After section 40, insert:

40A Surrender of permit where rare or threatened species is found

If protected wildlife, as defined in section 2(1) of the Conservation Act 1987, is found on land specified in a prospecting permit, an exploration permit, or a mining permit, that permit must be surrendered.

8 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.

9 Schedule 4 amended

- (1) Replace the heading to Schedule 4 with “**Land to which restrictions apply**”.
- (2) In Schedule 4, replace clause 12, with:
- (12) All Crown land held, as at 1 October 1991, under the Conservation Act 1987 or any enactment set out in Schedule 1 of that Act.

- (3) In Schedule 4, shoulder reference, before “54A”, insert “**23A(2), 25(2),**”.

Schedule

New Part 7 inserted into Schedule 1

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Part 7

Provisions relating to Crown Minerals (Prohibition on Mining on Conservation Land) Amendment Act 2026

52 Interpretation

In this Part,—

Amendment Act means the Crown Minerals (Prohibition on Mining on Conservation Land) Amendment Act 2026

commencement date means the day on which the Amendment Act comes into force

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

53 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.

54 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.

55 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).

56 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.