



ANALYSIS

Title
1. Short Title and commencement

2. Administration of existing privileges

1991, No. 102

An Act to amend the Crown Minerals Act 1991

[27 September 1991]

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

1. Short Title and commencement—(1) This Act may be cited as the Crown Minerals Amendment Act 1991, and shall be read together with and deemed part of the Crown Minerals Act 1991 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of October 1991.

2. Administration of existing privileges—(1) The principal Act is hereby amended by repealing section 108, and substituting the following section:

“108. (1) Notwithstanding section 107 (1) (c) but subject to section 109, the functions, powers, and duties—

“(a) That, before the commencement of this Act, would have been exercisable by the Minister of Energy in respect of an existing privilege, or of any condition of an existing privilege, or of any provisions of an Act that relate to an existing privilege; and

“(b) That concern matters that are within the functions of a local authority under section 30 or section 31 of the Resource Management Act 1991—

shall be exercisable by the appropriate consent authority within the meaning of that Act; and the provisions of the Act relating to the existing privilege, with all necessary modifications, shall apply accordingly.

“(2) Where there is doubt as to which person is responsible for exercising a particular function, power, or duty, and that

doubt cannot be resolved by agreement between those persons, any such person may apply to the Planning Tribunal for an order determining the matter, and the Tribunal may grant such an order on such conditions as it thinks fit.

“(3) Before the Minister of Energy varies the terms and conditions of an existing privilege, or takes any enforcement action against the holder of an existing privilege in respect of that existing privilege, the Minister shall give written notice to the consent authority which has any functions, powers, and duties in relation to the privilege under this section, of the proposed action and the reasons therefor.

“(4) Before a consent authority varies the terms and conditions of an existing privilege, or takes any enforcement action against the holder of an existing privilege in respect of that existing privilege, the consent authority shall give written notice to the Minister of Energy of the proposed action and the reasons therefor.

“(5) Any failure to comply with subsection (3) or subsection (4) shall not render any variation or enforcement action invalid.

“(6) References in this section to the Minister of Energy include references to the Secretary and to any Inspector or other statutory officer appointed under the Act under which the existing privilege was granted.

“(7) A local authority shall have, for the purposes of exercising its functions, powers, and duties in relation to an existing privilege under this section, all of the powers conferred on an enforcement officer by section 332 of the Resource Management Act 1991.”

(2) Section 387 of the Resource Management Act 1991 is hereby consequentially amended by repealing subsection (5), and substituting the following subsection:

“(5) Subsections (2) to (7) of section 108 of the Crown Minerals Act 1991, with all necessary modifications, shall apply in respect of every water permit or coastal permit to which this section applies, as if references in those subsections to an existing privilege were references to such a water permit or such a coastal permit, as the case may require.”