

15 August 2022

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Prohibition on Seabed Mining Legislation Amendment Bill

1. We have considered whether the Prohibition on Seabed Mining Legislation Amendment Bill (the Bill), a member's Bill in the name of Debbie Ngarewa-Packer MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. The Bill is an omnibus bill that amends the Crown Minerals Act 1991, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, and the Resource Management Act 1991. It:
 - a. prohibits specified mining activities and requires those activities to stop where they are currently underway
 - b. applies the updated legislation to mining consent applications and other proceedings that are pending on the date that the new legislation comes into force
 - c. prevents the Crown from paying compensation for any loss, damage or adverse effect arising from these changes.
3. Although the explanatory note to the Bill states that it intends to retrospectively withdraw existing seabed mining consents and exploration rights, the relevant clauses in the Bill do not have retrospective effect. The specified activities only become prohibited from the commencement date of the legislation, which is the day after Royal assent.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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