KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL **WAI 3325**

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**the Climate Change Priority Inquiry**

BRIEF OF EVIDENCE OF PAUL GERARD STOCKS

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I, Paul Gerard Stocks of Wellington, public servant, state:

Introduction

1. My full name is Paul Gerard Stocks.

2. I am the Deputy Secretary, Building, Resources and Markets at the Ministry of Business, Innovation and Employment (**MBIE**). I have been in this role since 2022 and a deputy secretary at MBIE since 2012. I have previously held senior advisory and management roles across the public sector.

Scope of evidence

3. Broadly my evidence will cover the following topics:

   3.1 The Energy sector.

   3.2 Action MBIE is taking including mitigation/adaptation under the CCRA and ERP/NAPs.

   3.3 The Resources sector.

   3.4 Responses to the evidence filed.

The Energy sector

4. In this section of my brief I provide a contextual overview of NZ's Energy Sector covering the following areas:

   4.1 Energy Emissions (including transport) were 37.8% of New Zealand's gross emissions in 2023.[1] The key shares of these emissions are broken down as follows:[2]

      4.1.1 Electricity Generation – 9.6%.

      4.1.2 Industrial, commercial and residential use – 37.8%.

      4.1.3 Transport - 48.4%.

   4.2 A further 5.3% of gross emissions comes from Industrial Processes and Products use.

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1 New Zealand's Greenhouse Gas Inventory | Ministry for the Environment [**MBE.003.0375**]

2 annual-emissions-data-table.xlsx

4.3 Energy Emissions in New Zealand are comparatively low compared to most other developed countries. This is due to the high proportion of renewable electricity generation (although that is partially offset by relatively high transport emissions).

4.4 New Zealand's Electricity system is one of the most renewable in the world with over 85% of generation from renewable sources, but its emissions fluctuate depending on atmospheric conditions. For instance, years with less rainfall, wind or sunshine hours reduce the availability of renewable generation and increase our reliance on fossil fuelled thermal generation such as coal or gas to ensure we maintain sufficient supply. This 'firming capacity' is essential for ensuring we can have a robust and secure renewables based electricity system.

4.5 Energy is fundamental to economic activity and the conduct of much of our daily lives. New Zealanders and businesses depend on affordable and secure energy, and increasingly expect their energy to be renewable. The Energy sector, including greenhouse gas emissions associated with the mining and major domestic users of energy resource products such as coal or natural gas are covered by the New Zealand Emissions Trading Scheme.[3]

4.6 Each year oil, gas and minerals contribute significantly to New Zealand's economy. Developments are largely concentrated in the regions, providing substantial employment for regional communities, supporting local businesses and creating economic diversification.

4.7 Natural gas is critical to delivering a secure and affordable supply of energy for New Zealanders and in the absence of significant further exploration activity, the amount of gas produced will decline. Such a decline would have direct economic impact for

[3] The sectors and gases covered by the New Zealand Emissions Trading Scheme can be found here: Coverage of the New Zealand Emissions Trading Scheme | Ministry for the Environment

those relying on gas as well as wider economic and social impacts from a loss of reliable electricity supply.

4.8 The resources sector is also a significant contributor to national and regional economic productivity. It also provides a reliable energy source for industry and households, an input into the chemicals industry, a valuable export commodity and creates skilled, well-paid jobs.

4.9 However, New Zealand's energy and resources systems face real and growing security of supply challenges. The resources system has a key role to play in responding to these challenges, which relate to supply chain resilience, gas and electricity supply. These challenges can be managed, so that our long-term energy future is more secure and reliable than today.

4.10 New Zealand's energy is delivered by the private sector. Government policy needs to provide the right regulatory and market environment to ensure that the sector delivers an energy system that is secure, reliable and affordable. MBIE does not produce or supply energy but has stewardship roles for the energy markets regulatory system and the petroleum and minerals regulatory system.

4.11 MBIE is the Government's primary policy advisor for energy, resources and Crown-owned minerals. Departmental responsibility includes the following legislation: Crown Minerals Act 1991, Electricity Act 1992, Gas Act 1992, EECA Energy Efficiency and Conservation Act 2000, Electricity Industry Act 2010, Fuel Industry Act 2020. MBIE does not produce or supply energy or Crown minerals.

4.12 Legislation administered by other portfolios and agencies is also relevant, including the Commerce Act 1986 which prohibits certain conduct and business arrangements that restrict competition. Part 4 of that Act regulates electricity lines

businesses. Other relevant statutes are the Fair Trading Act 1986, Consumer Guarantees Act 1993 and Resource Management Act 1991.

4.13 The Minister for Energy is also responsible for one Independent Crown entity, the Electricity Authority (EA), and one Crown agent, the Energy Efficiency and Conservation Authority (EECA).

4.14 While the Minister of Climate Change is responsible for New Zealand's climate change response legislation including emission budgets and emission reduction plans under the Climate Change Response Act, the Minister for Energy is generally responsible (or has shared responsibilities alongside the Minister of Climate Change or other Ministers) for emission reduction policies specific to the energy sector – as is the case for other portfolio Ministers with their respective portfolio policies (transport, building and construction, agriculture, forestry, waste). Consecutive Governments (as outlined in the following section of this Brief) have taken various approaches to the role of energy policies alongside New Zealand's key tool for reducing emissions – the New Zealand Emissions Trading Scheme (NZ ETS).

Climate change mitigation and role of MBIE

5. Energy projects and policies to reduce emissions, sit within the overall approach New Zealand is taking to tackling climate change. They intersect with, and are impacted by, policy developed under the Emissions Reductions Plans (**ERP**) and the Emissions budgets required under the Climate Change Response Act 2002 (**CCRA**).

6. ERPs must include sector-specific policies and actions to reduce emissions and increase removals during the budget period. Accordingly, both ERP1 and ERP2 include chapters outlining relevant policy to support achievement of emissions budgets 1 and 2.

7. The Energy and Industry Chapter of the First ERP (published in 2022) outlined 5 focus areas for emissions reductions in energy policy:[4]

   7.1 Focus area 1: Use energy efficiently and manage demand for delivery.

   7.2 Focus area 2: Accelerate development of new renewable electricity generation across the economy.

   7.3 Focus area 3 - reduce our reliance on fossil fuels and support the switch to low-emissions fuels.

   7.4 Focus area 4: Reduce emissions and energy use in industry.

   7.5 Focus area 5: Strategic approaches and targets to guide us to 2050.

8. The second emissions reduction plan was published in December 2024.[5] Consultation on a draft plan commenced on 17 July 2024. MBIE ran energy stakeholder engagement on 24 July 2024 and participated in an MfE led iwi/Māori stakeholder engagement on 7 August 2024 that was led by the Ministry for the Environment. MBIE also met with iwi PSGE's - Ngāi Tahu, Te Tau Ihu, Te Ātiawa ki Whakarongotai and Pouakani.

9. As outlined in the Government second emissions reduction plan (ERP2) published in December 2024, the New Zealand Emission Trading Scheme (NZ ETS) is the current Government's main tool for achieving net emissions reductions. As the energy sector is a priced sector under the NZ ETS, the NZ ETS plays a central role in addressing energy emissions. Government policy reflects a focus on enabling the NZ ETS to play this role and support least cost net emissions reductions.

10. Government policy is focussed on core affordability and security of supply concerns as these are a necessary precursor to effectively enabling

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4 Aotearoa New Zealand's first emissions reduction plan [**MBE.001.0779**]

5 New Zealand's second emissions reduction plan 2026–30 | Ministry for the Environment [**MBE.003.0605**]

electrification and associated emissions reductions in both energy and other sectors such as transport.

11. ERP2 outlines how the ETS is the Government's key tool to reduce net emissions and achieve our climate targets, alongside actions to unlock the investment required to double New Zealand's renewable generation by 2050. Alongside using the ETS, ERP2 outlines four key actions and policies in the energy chapter:

    11.1 Delivering Electrify NZ to help achieve our goal of doubling renewable energy.

    11.2 Enabling energy efficiency and a smarter electricity system.

    11.3 Enabling carbon capture, utilisation and storage.

    11.4 Enabling woody bioenergy.

12. The main policies in ERP2 are detailed below:

    12.1 **Electrify NZ:** This is the current Government programme focused on doubling renewable energy supply by 2050. The work programme involves the following workstreams:

        12.1.1 *Fast-track approvals regime.* The Fast-track Approvals Act came into force in December 2024. The Act provides an alternative pathway for Resource Management Act (RMA) consents and other approvals for nationally and regionally significant projects, including energy and transmission projects. The legislation lists 22 renewable energy and transmission projects. Renewable energy developers with projects not listed in the Act can also apply to the Minister for Infrastructure for fast-track consideration.

        12.1.2 *Amendments to the RMA.* The Resource Management (Consenting and Other System Changes) Amendment Bill has passed into law. For renewable energy projects, this establishes a default maximum of one year to process

and decide consents, increase default consent durations to 35 years and increase consent default lapse periods from 5 to 10 years.

12.1.3 *Strengthening RMA national direction for renewable energy.* Consultation has closed on proposed amendments to the National Policy Statement for Renewable Electricity Generation (NPS-REG), the National Policy Statement on Electricity Transmission (NPS-ET) and National Environmental Standards on Electricity Transmission Activities (NES-ETA). The proposed amendments are intended to reduce consenting costs and create a more enabling consenting environment for renewable electricity generation and electricity networks. Key proposals include stronger NPS objectives, more enabling and directive policies and policies that recognise and provide for Māori interests.

12.1.4 *New legislation to enable offshore renewable energy development*. In December 2024, the Government introduced the Offshore Renewable Energy Bill. The Bill creates a new legislative regime to govern the construction, operation and decommissioning of offshore renewable energy. The Bill introduces a two-stage permitting regime, enables safety zones to be declared around infrastructure and places obligations on permit holders to decommission infrastructure. The regime will work alongside, but not duplicate or replace, requirements under existing legislation, such as the Resource Management Act. The Bill is currently awaiting second reading.

12.1.5 *Updated regulatory settings for electricity networks and new connections.* A range of work is underway by the Commerce Commission and the Electricity Authority to

update a variety of regulatory settings. This is to ensure that New Zealand's system can cope with the economy-wide shift to electrification – including supporting the Government's goal to supercharge EV infrastructure.

12.2 **Amending the Energy Efficiency and Conservation Act 2000** - In August 2024, Cabinet agreed to amend the Energy Efficiency and Conservation Act to streamline regulatory processes to ensure our regulatory regime can adopt energy efficiency requirements in step with Australia and other jurisdictions and enable the regulation of flexibility requirements for products such as smart EV chargers. These changes will support electricity affordability, security of supply and emissions reductions by maximising the use of existing renewable energy and reducing the need for expensive generation and network upgrades. [6]

12.3 **Enabling regime for Carbon Capture Utilisation and Storage (CCUS) -** In October 2024, Cabinet agreed to an enabling regime for Carbon Capture Utilisation and Storage (CCUS) that would consist of two broad components:

12.3.1 A financial incentive for CCUS (NZ ETS reward under the Climate Change Response Act 2002 (the CCRA)).

12.3.2 An upfront approval and ongoing monitoring function

12.4 The financial incentive to enable an ETS reward will require some changes to the CCRA and supporting regulations. Drafting instructions for these are currently being prepared. The upfront approval and ongoing monitoring function for CCUS will be managed through the resource management system, or rather through phase three of the resource management reforms. The relevant Bill is likely to be introduced before the end of the year.

6 Delivering a more effective energy efficiency regulatory regime [**MBE.003.0941**]

12.5 **Regional Infrastructure Fund (RIF)** - One of the RIF's priorities is a focus on improving energy security across communities and businesses. The RIF has already invested in a number of energy-related projects and Ministers will continue to consider further proposals. Energy projects that have already been announced include:

12.5.1 Supercritical geothermal project, see: Government exploring new energy source | Beehive.govt.nz

12.5.2 A northern 'energy bridge' to investigate the feasibility of upgrading Northland's electricity infrastructure to act as an 'energy bridge' between Northland and Auckland. [7]

12.5.3 Solar energy projects.[8]

12.5.4 Māori economic development projects, including the Waimamaku Community Solar project.

12.5.5 Energy priorities: Security of supply; affordable energy; energy playing a key role in reducing GHG emissions.[9]

13. While ERP2 sets the framework and most of the key policy for mitigating emissions in the energy sector, there are a range of other relevant policies that also support the supply of a renewable, reliable and affordable energy system. These are set out below:

13.1 **Hydrogen Action Plan:** MBIE received 79 written submissions and undertook a series of meetings with stakeholders on the Interim Hydrogen Roadmap. This included Ngā Iwi o Taranaki, Murihiku Regeneration, Te Rūnanga o Ngāti Mutunga, Tuaropaki Trust, and Waikato Tainui Energy Transition. The Interim Hydrogen Roadmap was superseded by the current Government's Hydrogen Action Plan, published in late 2024.

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7 See: Government exploring northern 'energy bridge' | Beehive.govt.nz [**MBE.003.0595**]

8 Regional Infrastructure Fund backs solar energy | Beehive.govt.nz [**MBE.003.0598**]

9 See: Support for Māori economic development projects | Beehive.govt.nz [**MBE.003.0601**]

13.2 **Offshore renewable energy developments:** This policy and current direction is covered in more detail below under the current Government policy as it continues from the work of the previous government.

13.3 **Energy strategy:** Consultation occurred in late 2023, started under the previous government - sought feedback on specific elements of the energy system (above 2.1-2.3) and including public discussion papers and targeted engagement with some sector stakeholders and iwi – 80 submissions received. Consultation closed on 2 November 2023. The new Government is currently considering a draft Energy Strategy. The Government undertook light-touch targeted engagement in June 2025 with a small number of sector stakeholders.

13.4 **New Zealand Energy Efficiency and Conservation Strategy (NZEECS):** The current NZEECS (2017-2022) remains in force until a new strategy is published. On 11 April 2022, the previous Government decided to replace the NZEECS (2017-2022) with a new strategy. [10] The previous Government indicated in ERP1 that the Energy Strategy and the NZEECS were to be aligned. MBIE and EECA began work on a replacement NZEECS alongside the development of an Energy Strategy in mid-2022. It was not practicable to actively progress an NZEECS while there was uncertainty about whether an Energy Strategy would be progressed. The Minister for Energy and officials are still progressing a replacement strategy.

13.5 **Community Renewable Energy Fund (CREF)**: Government has committed $28 million to support community-based renewable energy projects – build energy resilience in communities and trial innovative ways to store and distribute locally generated electricity. Many of these projects have included partnerships

[10] Replacement of the New Zealand Energy Efficiency and Conservation Strategy - 2022-go1355- New Zealand Gazette [**MBE.003.0131**]

with marae. A total of $1.12 million in funding was awarded to five community renewable energy projects in 2023. As of February 2025, 67 sites impacted by the 2023 Auckland floods and Cyclone Gabrielle have been selected to receive funding for solar photovoltaic (PV) and battery systems. By the end of 2025, it is estimated 217 community resilience sites will have been selected to receive a solar PV and battery system. The average cost per site is $88,000, with an average capacity of 28kW for solar and 32kWh for battery stems.

Climate change adaptation and role of MBIE

14. MBIE's Energy Branch has responsibility for the following actions outlined in the National Adaptation Plan:

14.1 Action 5.10 – Develop and Implement the Transpower Adaptation Plan. – this has now been completed.[11]

14.2 Action 8.2 – Develop the National Energy Strategy. – this is underway.

14.3 Action 8.3 – Manage dry-year risk through the New Zealand Battery Project – while the NZ Battery project specifically has been stopped, MBIE continues work on security of supply during extended periods of low hydro inflows as part of its wider electricity system work programme.

The Resources sector and Government policy

15. This section provides an overview of minerals and petroleum (oil and gas) sectors in New Zealand and how climate change is impacting on decisions.

16. MBIE is responsible for the petroleum and minerals regulatory system. This includes policy advice to Ministers on all matters relating to mineral and petroleum resources and being the regulator operating the allocation, management and compliance with rights to prospect, explore and mine

11 Adaptation Plan | Transpower [**MBE.003.0909**]

New Zealand's petroleum and minerals resources, under the Crown Minerals Act 1991 (CMA).

17. The CMA enables the Crown, as resource owner, to allocate rights to prospect for, explore for and mine certain minerals:

    17.1 statute minerals: petroleum, gold, silver and uranium, regardless of the ownership of the land; and

    17.2 non-statute minerals owned by the Crown, through either ownership of the land or for some other reason.

18. The purpose of this Act is to promote prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand. Within the context and mandate of the Act, "the benefit of New Zealand" is best achieved by increasing New Zealand's economic wealth through maximising the economic recovery of New Zealand's Crown-owned mineral resources. An underlying premise in the Act is that the government wants other parties, such as public and private corporations, to undertake prospecting for, exploring for and mining of Crown-owned minerals.

19. Programmes and regulations set under the CMA also make up the Crown minerals regime. Programmes set out the policies and procedures followed for the allocation of mineral resources. They may set out or describe how the Minister or Chief Executive of MBIE will exercise any specified powers or discretions conferred on them by, or under, the CMA. Regulations set out the requirements to be met by permit holders and applicants. They include reporting, fee, and royalty obligations. There are six sets of regulations in total.

20. Obtaining a permit under the CMA is necessary when minerals are Crown owned but is not sufficient on its own to start to develop those minerals. This is because the CMA operates alongside other legislation that regulates for example the health, safety and environmental aspects of mining. Other key statutes include the Resource Management Act 1991, the Maritime Transport Act 1994, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, the Climate Change Response Act 2002

and the Health and Safety at Work Act 2015. Climate change issues are not mandatory consideration for decisions under the CMA.

21. The Crown, and MBIE, have obligations through the Treaty of Waitangi, Treaty settlements and Accords to include iwi in operational and policy processes in the Crown Minerals regulatory system and resources portfolio. Specifically, there are commitments with 54 Māori groups (mostly iwi and hapū) that relate to the Resources portfolio and the management of minerals and natural resources.[12]

22. Section 4 of the Crown Minerals Act 1991 requires all persons exercising functions and powers under the Act to have regard to the principles of the Treaty of Waitangi. The Programmes set out how consultation should occur with iwi and hapū whose rohe includes some or all of the permit area or who may be directly affected by a permit. Where consultation is required by the Programmes, it must be carried out in accordance with the consultation principles and procedures set out in the Programmes or in accordance with any agreed protocol. Any submissions made by iwi and hapū will be taken into MBIE will notify any relevant iwi and hapū regardless of whether or not iwi or hapū made comments during consultation.

23. MBIE use information from a variety of sources, including Te Puni Kōkiri and Te Tari Whakatau, to understand which iwi and hapū are considered affected parties and must be consulted with on applications required by the Programmes.

Role of policy

24. MBIE provides advice on policy and legislation governing the upstream management of New Zealand's petroleum and minerals resources, including regarding Crown-owned minerals, the Crown Minerals Act 1991, and wider issues relevant to petroleum and minerals management in New Zealand.

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[12] The list of Crown Mineral Treaty Redress Commitments is found here https://www.nzpam.govt.nz/permits/engaging-with-maori/permit-holder-engagement/treaty-settlement-commitments

MBIE's work programme is informed by the priorities of the government.

25. This government's priorities have included repealing the ban on offshore oil and gas exploration, and supporting the development of hydrogen and critical minerals. Crown Minerals Act 1991.

26. The CMA was recently amended by the Crown Minerals Amendment Act 2025. The Amendment Act removes the ban on new oil and gas exploration beyond onshore Taranaki and signals the Government's intention to reinvigorate investment in petroleum exploration.

27. The Amendment Act also made changes to the following aspects of the petroleum regime:

    27.1 Allowing alternative methods for allocating petroleum exploration permits, beyond the "block offer" process.

    27.2 Creating more flexibility in how financial securities for petroleum decommissioning costs are held.

    27.3 Replacing automatic liability for decommissioning costs on all former permit holders with an ability for the Minister of Resources and Minister of Finance to require exiting permit holders, parent companies and related parties to provide outgoing guarantees to cover the costs decommissioning.

    27.4 Clarifying that exemptions and deferrals from petroleum decommissioning obligations can be granted for the whole *or part* of particular items of petroleum infrastructure.

    27.5 Replacing the requirement to make payment or hold a financial security for post-decommissioning costs with perpetual liability for the permit holder who undertook decommissioning.

28. It also made other changes to the CMA, including:

    28.1 Changing the purpose of the Act from 'manage' to 'promote' prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand.

28.2 Introducing the ability for the Minister for Resources to issue a Government Policy Statement on petroleum and minerals.

28.3 Introducing a new Tier 3 permit for small-scale, non commercial gold mining.

29. External consultation was undertaken during the policy development and drafting of the Amendment Bill. Limited and specific engagement with iwi and hapū went ahead of Cabinet decisions in 2024 to satisfy obligations as set out in Crown Minerals Protocols, Relationship Agreements and Accords.

30. A further hui was undertaken with Taranaki iwi focused on the proposed changes of significance to Taranaki. Following Cabinet decisions, further engagement took place with a winder group of iwi and hapū.

31. Industry was consulted on the proposed changes throughout the development of the Bill. Environmental groups were briefly consulted on the proposed changes.

32. Further summary of the consultation undertaken throughout the policy and drafting process can be found in the various regulatory impact

analyses[13], released Cabinet papers[14], and the Revised Departmental Disclosure Statement (28 July 2025)[15].

33. 5,524 submissions were received on the Bill at select committee. This included 24 iwi and Māori groups and 46 conservation groups. The summary of the submissions can be found in the Departmental Report to select committee on the Parliament website.[16]

34. Climate impacts were considered as part of the policy development for the Amendment Bill. The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment was consulted and confirmed that the CIPA requirements applied to the proposal to remove the ban on new petroleum exploration and measures to improve investor confidence.

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13 *RIS: Amendments to the Crown Minerals Act 1991 relating to petroleum exploration and mining* (15 May 2024) https://www.mbie.govt.nz/dmsdocument/28877-regulatory-impact-statement-amendments-to-the-crowm-minerals-act-1991-relating-to-petroleum-exploration-and-mining-proactiverelease-pdf [**MBE.002.0029**]

RIS: Amendments to the Crown Minerals Act 1991 relating to small scale non-commercial gold mining (15 May 2025) https://www.mbie.govt.nz/dmsdocument/28877-regulatory-impact-statement-amendments-to-the-crowm-minerals-act-1991-relating-to-petroleum-exploration-and-mining-proactiverelease-pdf [**MBE.002.0029**]

Annex to RIS: Amendments to the Crown Minerals Act 1991 relating to petroleum exploration and mining (30 October 2024) https://www.mbie.govt.nz/dmsdocument/29856-annex-to-regulatory-impact-statement-amendments-to-the-crown-minerals-act-1991-relating-to-petroleum-exploration-and-mining-pdf [**MBE.002.0388**]

Updated Annex to RIS: Amendments to the Crown Minerals Act 1991 relating to petroleum exploration and mining (24 March 2025) https://www.mbie.govt.nz/dmsdocument/30925-annex-to-regulatory-impact-statement-amendments-to-the-crown-minerals-act-1991-relating-to-petroleum-exploration-and-mining-proactiverelease-pdf [**MBE.002.0078**]

Supplementary Analysis Report: *Amendments to the Crown Minerals Act 1991 Decommissioning Regime* (16 June 2025) https://www.mbie.govt.nz/dmsdocument/30926-supplementary-analysis-report-amendments-to-the-crown-minerals-act-1991-decommissioning-regime-proactiverelease-pdf [**MBE.002.0456**]

14 *Crown Minerals Act 1991: Ensuring security of gas supply and regulatory efficiency* https://www.mbie.govt.nz/dmsdocument/28875-crown-minerals-act-1991-ensuring-security-of-gas-supply-and-regulatory-efficiency-proactiverelease-pdf [**MBE.001.0389**]

Crown Minerals Amendment Bill – Approval for introduction https://www.mbie.govt.nz/dmsdocument/29854-crown-minerals-amendment-bill-approval-for-introduction-proactiverelease-pdf [**MBE.002.0093**]

Further policy decisions for the Crown Minerals Amendment Bill https://www.mbie.govt.nz/dmsdocument/29868-further-policy-decisions-for-the-crown-minerals-amendment-bill-2024-proactiverelease-pdf [**MBE.002.0375**]

Crown Minerals Amendment Bill 2024: Further policy decisions and approval to release Amendment Paper [**MBE.002.0388**]

15 https://disclosure.legislation.govt.nz/ap/government/2025/343

16 https://www.parliament.nz/resource/en-NZ/54SCEDSI_ADV_81dbd590-6e68-48d1-8be4-08dcdc4c6a57_EDSI7336/944561cefc4e40738f9d0e3117eaee1cad96e092

This analysis is available in the Climate Implications of Policy Assessment: Disclosure Sheet.[17]

Co-investment in new gas

35. In Budget 2025, the Government set aside a tagged contingency of $200 million over 4 years for co-investment in new gas. The structure of investments is still being worked through, but could see the Crown, subject to Cabinet consideration, take a commercial stake of up to 10-15% in gas developments that feed the domestic market.[18]

Minerals Strategy to 2040

36. The Minerals Strategy to 2040, published in January 2025, establishes the Government's long-term vision and roadmap for a country's mineral sector.

37. It aims to realise a minerals sector that delivers for New Zealanders, now and into the future, by supporting a productive and resilient economy through responsible and sustainable practices.[19] It has a goal to double mineral exports to $3 billion by 2035. It is focused around three outcomes:

    37.1 Productive – Sector growth and innovation contribute to New Zealand's prosperity.

    37.2 Valued – The value and potential of our minerals are understood, the sectors performance is known, and responsible practices are recognised.

    37.3 Resilient – Our critical minerals are sought after and support resilient supply chains, here and overseas.

38. The Strategy is guided by two principles:

    38.1 Te Tiriti o Waitangi – taking an active, deliberate and coordinated approach for New Zealand's mineral development that honours

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17 https://www.mbie.govt.nz/dmsdocument/28879-climate-implications-of-policy-assessment-disclosure-sheet-proactiverelease-pdf [**MBE.001.0389**]

18 Cabinet paper: Potential for Crown cornerstone stake in new gas field developments to mitigate sovereign risk https://www.mbie.govt.nz/dmsdocument/30858-potential-for-crown-cornerstone-stake-in-new-gas-field-developments-to-mitigate-sovereign-risk-proactiverelease-pdf [**MBE.002.0207**]

19 202501 A Minerals Strategy for New Zealand to 2040.pdf [**MBE.002.0218**]

Te Tiriti o Waitangi and upholds Treaty settlements and commitments.

38.2 Responsible - minerals developments in New Zealand will happen in a responsible manner where environmental protection, the health and safety of our workers, and impacts on regional communities inform all sector initiatives.

39. The strategy sets a strategic vision for the whole minerals sector. This includes Crown minerals (allocated and managed under the Crown Minerals Act 1991) and privately owned minerals, and mineral activities across the minerals value chain from primary production (mining) to processing, refining, recycling and mining support services.

40. The strategy includes a delivery roadmap of intended government actions to progress towards the aim and goal of the strategy. These actions are indicative and may change as policy, timing and funding decisions develop, and the roadmap is intended to be updated annually. Impacts (such as Regulatory, Treaty, financial, climate) will be assessed for actions through normal ministerial or Cabinet approvals processes that follow, during their development.

41. The Minerals Strategy is a strategic document and not a legislative instrument. There are no legislative implications directly resulting from the Strategy. The development of the Strategy has not required the Minister to make any statutory decision under the Crown Minerals Act 1991. If there are any specific actions that come from the Strategy's 'action plan/delivery roadmap' that require policy decisions or affect the Minister's role as a decision maker under the CMA, normal and requisite policy/engagement/consultation process will be followed.

42. The Strategy was informed through consultation.[20] On 23 May 2024 MBIE emailed iwi and hapū with which it has Crown Minerals Treaty Redress Commitments and iwi and hapū who were in settlement negotiations to notify them of the release of the draft strategy and ways to provide feedback (both directly or through the public consultation process).

43. On 14 June 2024 MBIE sent a follow up invitation to participate in engagement on the development of the draft Strategy. No workshops or hui were requested or held.

44. Among the draft strategy feedback, six submissions were received from Iwi. Feedback was passed on to the Minister through a summary of submissions document. The summary of submissions includes a section outlining 'What we heard specifically from iwi, hapū and Māori organisations'. The strategy was finalised and released on 31 January 2025.

Coal

45. Coal is used in a range of sectors, from electricity generation to residential heating. As noted above, years with less rainfall, wind or sunshine hours reduce the availability of renewable generation and increase our reliance on fossil fuelled thermal generation such as coal to maintain sufficient supply. Coal use for electricity generation can therefore make up a large proportion of New Zealand's coal use, but this is highly variable. For example, in 2024, a dry year, New Zealand's total coal use was 2.5 million tonnes, 35 per cent (or 872 kt) of which was for electricity generation. In contrast, 2023, not a dry year, saw total coal use of 1.9 million tonnes with around 14 per cent (270 kt) being used in electricity generation. Excluding the fluctuations in electricity generation, New Zealand's coal use has been declining consistently, falling 29 per cent between 2015 and 2024. This has been driven by a 34 per cent decrease in

[20] Cabinet paper - Draft Minerals Strategy and Update on the Development of New [**MBE.002.0231**]; Cabinet Minute of Decision - Draft Minerals Strategy and Update on the Development of New ; Discussion document [**MBE.002.0231**]- 28387-a-draft-minerals-strategy-for-new-zealand-to-2040 [**MBE.002.0246**]; Summary of submissions on the draft Minerals Strategy - Summary of submissions on draft minerals strategy to 2040 [**MBE.002.0260**]; Cabinet paper - Final Minerals Strategy Critical Minerals List for Approval ; Cabinet minute - Final Minerals Strategy Critical Minerals List for Approval – Minute of Decision [**MBE.002.0272**]

the industrial sector (mainly process heat) as industrial users switch to electricity, gas or biomass.

46. In 2024, New Zealand produced 2.5 million tonnes of coal domestically. 1.1 million tonnes of this was exported – this is bituminous coal used in the steel making process overseas. The remainder, sub-bituminous and lignite coal, was used domestically, primarily by industries such as dairy and meat processing in the South Island. In 2024, New Zealand imported around 1 million tonnes of mostly sub-bituminous coal primarily for use in electricity generation.

47. In October 2024, Parliament passed the Resource Management (Freshwater and Other Matters Amendment Act. As part of this amendment act, MBIE advised on amending the consenting pathway for coal mining in or around wetlands and significant natural areas.[21] The amendment was under consideration because there are a number of industrial processes in New Zealand that still require coal, which may have to rely on imported coal if they are unable to source domestic coal. An example is New Zealand Steel, which has developed a unique steel-making process around the chemical properties of Waikato thermal coal (compared to coking coal used internationally) and rely on this source for their steel production. The analysis included considerations of climate impacts. A Climate Implications of Policy Assessment (CIPA) was not required as the threshold for significance was not met. This is because the emissions associated with the changes to consenting pathways would substitute imported coal so there would be no net increase in coal use[22].

Critical minerals list

48. The Critical Minerals List identifies the minerals that are economically important and are vulnerable to supply risk or essential to unlocking other critical minerals, and provides a basis for future strategic actions to support

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21 https://www.mbie.govt.nz/dmsdocument/28364-supplementary-analysis-report-amending-the-consenting-pathway-for-coal-mining-in-or-around-wetlands-and-significant-natural-areas [**MBE.002.0287**]

22 Supplementary Analysis Report: Amending the consenting pathway for coal mining in or around wetlands and significant natural areas [**MBE.002.0287**]

secure mineral supply chains here and overseas, strengthen our relationships with international partners, and help ensure we achieve the Minerals Strategy for New Zealand to 2040 goal of doubling minerals exports to $3 billion by 2035.

49. Following the 2023 general election, MBIE provided initial advice to the incoming Minister for Resources on the coalition's priorities relating to critical minerals.[23] In this initial advice, MBIE indicated that 'Clean-tech minerals' are becoming increasingly important in the global low emissions energy transition, and that the International Energy Agency estimates that to reach net-zero emissions by 2050, the world will need six times more minerals than are currently being extracted as inputs into low emissions technologies.

50. In December 2023, MBIE provided the Minister for Resources with a briefing seeking decisions on developing a critical minerals list. [24] The advice was to create a list of critical minerals that would identify minerals that are: (a) economically important to New Zealand; and (b) vulnerable to a supply disruption. It suggested that economic importance could be determined by domestic needs, both in terms of minerals New Zealand uses as key inputs (e.g., aggregate for roading, phosphate for farming, iron sand for steel making), and those New Zealand relies on as components of key imports e.g., electric vehicles, wind turbines etc. The briefing also suggested that it would be valuable to incorporate 'critical minerals' from other countries' critical minerals lists into New Zealand's list in order to tap into opportunities to supply global demand, contribute to the global push to diversify and stabilise mineral supply chains, and improve the pipeline of the end-use products for which these minerals are essential.

51. In September 2024, MBIE publicly consulted on a draft critical minerals list.[25] Ahead of this, MBIE emailed iwi with which it has Treaty settlement

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23 https://www.mbie.govt.nz/dmsdocument/28011-briefing-for-the-incoming-minister-for-resources-proactiverelease-pdf [**MBE.001.2269**]

24 2324-1072 Developing a list of critical minerals for New Zealand - Content Suite Platform CE 22.2 [**MBE.002.0327**]

25 https://www.mbie.govt.nz/have-your-say/consultation-on-a-draft-critical-minerals-list-for-new-zealand

commitments, such as Crown Minerals Protocols, Relationship Agreements and/or Accords. MBIE also emailed iwi who are in settlement negotiations, whose redress will include one of the above relationship redress instruments. The email invited iwi to engage with MBIE on the draft list prior to public consultation. MBIE received feedback from one iwi representative, and this feedback was incorporated into subsequent advice to the Minister and Cabinet on developing the critical minerals list.[26]

52. New Zealand's critical minerals list was launched in January 2025. In the lead up, and since then, there has been interest from other countries in our list and New Zealand's critical minerals development policies. New Zealand joined the plurilateral Indo-Pacific Economic Framework (IPEF) Supply Chain Agreement in November 2023. At the same time, IPEF leaders announced the establishment of the IPEF Critical Minerals Dialogue to strengthen regional critical minerals supply chains and boost regional competitiveness. The Critical Minerals Dialogue is a working-level forum to share information about minerals development policies, minerals reserves, minerals recovery and recycling potential and technologies, and standards for labour and environmental protections.

Draft Geothermal Strategy

53. The Government has been developing a strategy to realise the potential of New Zealand's geothermal resources. The draft strategy was released on 30 July 2025 for a six-week public consultation period, which concludes on 12 September 2025.

54. The intention of the strategy is to unlock the potential of New Zealand's geothermal resources to deliver sustainable, low-emission energy resilience, support regional economic development, and foster innovation and Māori enterprise. The Government intends to make decisions on the final geothermal strategy by late 2025, incorporating public feedback.

55. Iwi and hapū were invited to engage on the development of the draft

[26] See Summary of Submissions here: https://www.mbie.govt.nz/document-library/search?keywords=draftcriticalmineralslistsubmissions2024 [**MBE.002.0300**]

geothermal strategy. In April 2025, the Government's intent to develop a strategy was signalled in MBIE pānui and on MBIE's website. On 17 April 2025, an email containing an invitation to engage was sent to iwi and hapu with which MBIE has Treaty settlement commitments, as well as iwi, hapū and ahu whenua trusts with interests in geothermal resources and/or geothermal ventures.

56. In May 2025, MBIE held a number of kanohi ki te kanohi engagements with interested iwi, hapū and ahu whenua trusts in the Taupō Volcanic Zone as well as several online engagements. Following the release of the draft geothermal strategy, MBIE held a workshop in Taupō inviting iwi, hapū and ahu whenua trusts with whom MBIE had been engaging on the development of the draft strategy, alongside other key stakeholders. Engagement with iwi and hapū will continue as MBIE works to finalise the geothermal strategy.

Hydrogen

57. MBIE's hydrogen workstream progresses Government policy to allow for the exploration of natural geological hydrogen in New Zealand, to maximise future energy resilience. Hydrogen has a wide range of applications in sectors ranging from electricity generation to industrial processes and fuel for heavy transport, and may offer opportunities for energy resilience, innovation and economic growth.

58. A discussion document developed by MBIE was released on 23 May 2025 seeking feedback on options for the regulatory approach to the development of natural hydrogen (produced naturally below the surface of the earth) and orange hydrogen (produced by stimulating a chemical reaction that allows hydrogen to develop). [27]

59. In line with Treaty settlement commitments, MBIE undertook early iwi engagement from March to April 2025 on the regulatory approach for hydrogen with interested iwi. Common themes from this feedback are

[27] Discussion document: Regulatory proposals for natural and orange hydrogen development [**MBE.002.0308**]

stated on page nine of the document.

60. The May discussion document sought feedback on two high-level options:

60.1 Option one: Include hydrogen in the definition of a mineral to regulate it as a mineral under the CMA

60.2 Option two: Exclude hydrogen in the definition of a mineral under the CMA and regulate it as a non-mineral natural resource.

61. Feedback containing alternative ideas and regulatory options were also welcomed. MBIE is undertaking submissions analysis.

Response to Claimant evidence

Alison Cole evidence 12 March 2025:

62. Ms Cole states (paragraph [7]) that her iwi's recent persistent efforts as kaitiaki opposing the petroleum industry, continue to be thwarted by the Crown. Ms Cole then states at paragraph 12(i) that the Crown should immediately cease enabling high emissions industries, including but not limited to cancelling all petroleum permits.

Response to these comments:

63. With regard to Ms Cole's comments about ending reliance on petroleum (paragraph [12](i)):

63.1 Natural gas is critical to delivering a secure and affordable supply of energy for New Zealanders and in the absence of significant further exploration activity, the amount of gas produced will decline. Such a decline would have direct economic impact for those relying on gas as well as wider economic and social impacts from a loss of reliable electricity supply.

63.2 The Government is committed to delivering on our climate change commitments while growing the New Zealand economy. Sudden restrictions to important (although emissions intensive) sectors of New Zealand's economy would have severe economic impacts for local communities and undermine the longer-term transition to net zero 2050.

63.3 Gas from petroleum extraction and coal continue to play an important role in industrial processes and electricity generation. While New Zealand's electricity system is highly renewable fossil fuelled thermal generation is essential to provide firm and flexible generation during times of peak demand.

John Henry Te Urikore Katene Hooker – 12/03/2025:

64. With regard to offshore windfarm developments, Mr Hooker says in late 2023 MBIE consulted over a proposed new regulatory framework for offshore wind. Mr Hooker attended an online webinar run by MBIE with Alison Cole from his hapū. At that time, his hapū had filed for customary marine title under MACA, in the same rohe moana where Taranaki Offshore Partnership were planning to build their wind farm. Mr Hooker says his questions about how the new regime would respect pending title under MACA were ignored.

65. Mr Hooker also says that MBIE expressed the view that wind farm applicants and the Crown are unsure as to who the pertinent proprietor hapū are in this region and that there had been no consultation at all with us over the development of this new regulatory regime for offshore wind. Mr Hooker refers to the proposed regime is now before Parliament (the Offshore Renewable Energy Bill). Under the proposed regime, consultation with relevant iwi and hapū will be required by the applicant companies and the MBIE but he considers this will not be anything other than a tick box exercise. Mr Hooker also refers to offshore wind impacting on taonga species such as Maui dolphin, blue whale, and any potential diminishing rights under the Marine and Coastal Area Act. He refers to when Origin Energy developed the Kupe field, and that this he says promised benefits once the petroleum was flowing, but never occurred.

Response:

66. Over the last 2-3 years MBIE has engaged with a range of Māori groups, with a focus on Taranaki, Waikato and Southland iwi and hapū. Outcomes from those discussions have informed further work, and advice to Ministers. Discussions started very early in the process, and so some

options discussed, such as royalties and partnership in other government financial arrangements (such as contract for difference), are no longer part of the proposed regime.

67. This led to a shift to engagement between Māori groups and developers directly in respect of any financial arrangements. A range of efforts were made to include iwi and hapū from an early stage.

68. Below we set out an overview of key engagements:

68.1 8–10 November 2022 – MBIE officials separately met with Waikato Tainui, Ngati Ruanui, Ngai Tahu and Ngāruahine. The purpose of the meetings was to better understand iwi interests and how iwi would like to inform decisions for managing developer activity in offshore renewable energy development.[28]

68.2 7–8 March 2023 – MBIE officials separately met with Ngāruahine and Te Atiawa and held a combined meeting with Ngati Ruanui, Rauru and Te Aranga. Discussions ranged from iwi/crown collaboration on the regime's development, cultural impact assessments, royalties, and economic opportunities for iwi.[29]

68.3 11 July 2023 – The Minister for Energy and MBIE officials met with the National Iwi Chairs Forum. At this meeting it was agreed that engagement should continue with those groups with the most interest/will be most affected. This led to the establishment of a pan-iwi and hapū group with known interest in offshore renewable energy (broadly Taranaki, Southland, Waikato).[30]

68.4 20 September 2023 – MBIE officials met with the pan-iwi and hapū group in New Plymouth. The hui focused on the Energy branch

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28 REF 1. Background note for participants – proposals for discussion document on offshore renewable energy [**MBE.005.0001**]; 2. 20221108 – Notes from hui with Waikato Tanui [**MBE.005.0004**]; 3. 20221109 – Notes from hui with Ngati Ruanui [**MBE.005.0006**]; 4. 20221110 – Notes from hui with Ngai Tahu [**MBE.005.0008**]; 5. 20221110 – Notes from hui with Ngaruahine [**MBE.005.0010**]

29 REF 6. Notes from hui with Taranaki iwi [**MBE.005.0012**]

30 REF 7. 2324-0084 – Meeting with National Iwi Chairs Forum [**MBE.005.0015**]

consultations underway at the time, including on key issues in the offshore renewable energy regime.[31]

68.5 9–16 October 2023 – As an outcome of the engagement of the hui in New Plymouth, MBIE officials ran a series of hui covering the economic model (including royalties and contract for difference), rights and interests, permitting criteria, and decision-making.[32]

68.6 23 September 2024 – MBIE officials met with Te Ohu Kaimoana, who offered to provide work underway on potential fishing interests (not yet received).[33]

68.7 November 2024 – MBIE officials released a draft version of the proposed cost recovery regulations for public consultation.[34]

68.8 4 March 2025 – MBIE officials held a workshop with the pan-iwi and hapū group on operational implementation matters. A key focus was how best to operationalise consultation and engagement Discussions showed a wide range of aspirations (which will require an enabling framework, rather than a prescriptive approach), with a consistent theme of meaningful ongoing engagement with developers and the Crown.[35]

68.9 May 2025 – MBIE officials undertook targeted consultation on the draft feasibility permit regulations and on the potential scope of the first feasibility permit round. The pan-iwi and hapū group (and any further individuals nominated by the members of that group) were invited to comment on the draft regulations and on the proposals for the scope of the first feasibility permit round. MBIE

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31 REF 8. Offshore Renewables – Policy Design for iwi Involvement Hui 20 September 2023 [**MBE.005.0025**]

32 REF 9. Note for File – CfD discussion with Taranaki iwi [**MBE.005.0060**]; 10. Hui 1 Pan-iwi discussion_Economic Model_9_10_23; 11 [**MBE.005.0061**]. Hui 2 pan-iwi discussion_Rights and interests_11_10_23; 12. [**MBE.005.0065**] Hui 3 pan-iwi discussion_Permitting criteria_16_10_23 [**MBE.005.0069**]; 13. Hui 4 pan-iwi discussion_Decision Making_17_10_23 [**MBE.005.0072**]

33 REF 14. Phase 2 – engagement log [**MBE.005.0076**]

34 REF 15. TO LODGE –Annex – FINAL – Offshore Renewable Energy Regime Stage 2 Cost Recovery Impact Statement [**MBE.005.0080**]

35 REF 14. Phase 2 – engagement log [**MBE.005.0076**]

officials also invited the pan iwi and hapū group to a hui in Taranaki.[36]

68.10 June 2025 – MBIE officials travelled to Hawera for a follow-up hui with members of Ngāruahine hapū. The hui involved discussions about consultation obligations, the application process and timing for the first application round, environmental impacts and decommissioning.[37]

69. Regarding developer engagement to date MBIE does not control developer engagement.[38]

70. As currently drafted, the Bill sets the following minimum requirements in regards to consultation with Māori:

70.1 Before applying for a feasibility or commercial permit, developers must consult (clauses 14(1) and 24(1)).

70.2 Developers must include a record of the consultation and a statement explaining how it has informed the proposed development (clauses 14(2) and 24(2)).

70.3 Before granting a feasibility or commercial permit application, the Minister must consult with the same groups described above (clauses 17(c) and 27(1)).

70.4 Before awarding a feasibility or commercial permit, the Minister must have regard to the applicant's consultation with Māori (clauses 19(2)(c) and 29(2)(c)) and to the impact of granting the permit on Treaty settlements, protected customary rights areas, and any other Māori groups with relevant interests (clauses

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36 16. offshore renewable energy - targeted consultation with iwi and hapū on feasibility permit regulations and notice of the first round [**MBE.005.0097**]; 17. ORE feasibility regulations and round notice - material to support targeted consultation [**MBE.005.0099**]; 18. 250507 - Pan iwi consultation on ORE Regulations and first round notice [**MBE.005.0112**]; 19. 250507 - Pan iwi-hapū group - consultation meeting notes [**MBE.005.0133**]

37 RE offshore renewable energy - targeted consultation with iwi and hapu on feasibility permit regulations and notice of the first round.pdf; hapu hui notes LB 3 June 2025.pdf [**MBE.005.0135**]; Phase 2 - regs, notice, regime - Hapu reps Ngaruahine _ MBIE discussion - hapu notes.pdf [**MBE.005.0143**]

38 Excerpt from 2022 Discussion Document: Enabling Investment in Offshore Renewable Energy [**MBE.005.0148**].

19(2)(d) and 29(2)(d)). Before awarding a feasibility (but not commercial) permit the Minister must also have regard to the applicant's approach to identifying, engaging with, and managing existing rights and interests in the proposed permit area (clause 19(2)(e)).

70.5 Feasibility permit holders must apply for relevant consent/s (resource, marine or fast-track) prior to applying for a commercial permit) which will trigger further consultation with Māori.

70.6 In addition to these minimum requirements set out in the Bill, the Minister may specify specific considerations for any round. These could include partnership with Māori, limitations in respect of rights and interests in the area, or other factors specific to a geography and set of Māori interests in the area.

70.7 Developers may also be incentivised to engage well with Māori groups, as this could be factored into a decision on which of two overlapping applications should proceed.

70.8 In terms of requirements outside of feasibility or commercial permit applications, clause 6 of the Bill requires that all persons performing and exercising functions, duties, and powers under this [Act] must act in a manner that is consistent with:

70.8.1 the obligations arising under existing Treaty settlements; and

70.8.2 customary rights recognised under—

(a) the Marine and Coastal Area (Takutai Moana) Act 2011:

(b) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

70.9 This is narrower than requirements pertaining to permits specifically, but the permits are the core of the regime.

Evidence of Professor Jane Kelsey:

71. Ms Kelsey raises a number of points, but the key ones that I will respond to was there was insufficient engagement with Māori and consideration of the Treaty as part of the development of the critical minerals list (refer to paragraphs [68]-[69]). She goes on to contrast this in her view with engagement with MBIE and MFAT and other "stakeholders" (paragraph [71]).

Response:

72. In response to concerns about engagement on the critical minerals list, iwi were made aware of the development of the List and invited to engage with MBIE on the draft list (26 Aug 2024). Iwi were provided the draft list and asked to share feedback (9 Sept 2024). Public consultation went live 13 Sept 2024. We received feedback from one iwi, and this was incorporated into advice to the Minister that contained a summary of submissions on the List. MBIE agree that comments were made to Ngā Toki Whakarururanga that suggest iwi engagement could have been more fulsome. Furthermore, in response to the need for more reference to the Treaty, the critical minerals list is informational in nature and does not introduce any policy changes. It is an action delivered to inform NZ's regulatory landscape.

Signed:

Paul Gerard Stocks

Date: 11/9/25