

Supplementary Departmental Disclosure Statement

Offshore Renewable Energy Bill

A supplementary departmental disclosure statement for a Bill the government is proposing to amend seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill in amended form.

It highlights material changes to previous disclosures relating to:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

The original disclosure statement for the Offshore Renewable Energy Bill, dated 13 November 2024, can be found at this link

<http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=102>

This supplementary disclosure statement was prepared by the Ministry of Business, Innovation and Employment.

The Ministry of Business, Innovation and Employment certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

19 March 2026.

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The Main Areas of Change to the Original Disclosures

This is a supplementary disclosure statement for the Offshore Renewable Energy Bill.

A supplementary disclosure statement supplements the original disclosure statement for the Bill by reporting the additions and changes that would need to be made to the original disclosure statement to accurately reflect the Bill with the proposed government amendments incorporated.

Where the Bill now also incorporates changes made by a select committee of the House, the supplementary disclosure statement will note these if relevant but will not explain them further.

The main area of change to the original disclosure statement includes:

- the addition of an empowering provision that enables the Minister for Energy and the Minister for Resources, acting jointly, to designate areas of the seabed where restrictions apply in relation to seabed minerals permits under the Crown Minerals Act 1991.

Part One: General Policy Statement

The Offshore Renewable Energy Bill (the Bill) establishes a legislative regime to govern the construction, operation, and decommissioning of offshore renewable energy (ORE) developments. The regime aims to fill a gap in the current legislative environment, which does not provide potential developers with sufficient certainty to invest in ORE projects. The Bill seeks to:

- give greater certainty for developers to invest in ORE developments;
- allow the selection of ORE developments that best meet New Zealand's interests;
- manage the risks to the Crown and the public from ORE developments.

These policy objectives, set out in the General Policy Statement in the Original Disclosure Statement remain unchanged.

Providing greater certainty for investment

Seabed mining activities and offshore wind farms are unlikely to be able to operate in the same area at the same time. The potential for future seabed mining permits to be issued in areas suitable for ORE, with no mechanism to resolve potential overlaps, has created uncertainty and a significant risk that ORE developers will not invest in New Zealand.

To help address this issue, the proposal will create a new power for the Minister for Energy and Minister for Resources, acting jointly, to designate areas in the exclusive economic zone or territorial sea (or both) in which, while the designation notice is in effect:

- no new prospecting, exploration or mining permits for minerals other than petroleum under the Crown Minerals Act 1991 (CMA) ('seabed minerals permits') can be applied for or granted in the designated area;
- no existing seabed minerals permits can be extended in space within or into the designated area;
- there is a stay on any seabed minerals permit applications that relate to the designated area and that have been received but not yet determined; and
- petroleum permits in a designated area cannot be amended to cover other minerals.

The purpose of the proposal is to give greater certainty to ORE developers and manage any competition or conflict that may arise from any incompatibility between seabed mining activities and ORE feasibility activities or ORE generation infrastructure activities.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
The Transport and Infrastructure Committee examined the Offshore Renewable Energy Bill and published its report in June 2025. Final%20commentary%20%28Offshore%20Renewable%20Energy%20Bill%29 (9).pdf	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
MBIE completed the following regulatory impact statements on the Offshore Renewable Energy regime: <ul style="list-style-type: none">Regulatory Impact Statement: Offshore renewable energy, in principle decisions for regulating feasibility activities (https://www.mbie.govt.nz/dmsdocument/27261-regulatory-impact-statement-offshore-renewable-energy-in-principle-decisions-for-regulating-feasibility-activities-proactiverelease-pdf)Regulatory Impact Statement: Offshore Renewable Energy Regime (https://www.mbie.govt.nz/dmsdocument/29132-regulatory-impact-statement-offshore-renewable-energy-regime) MBIE finalised a Regulatory Impact Statement: Proposed changes to the Offshore Renewable Energy Bill on 2 September 2025. The Statement will be made publicly available once the Amendment Paper for the Bill is published. We will update this Departmental Disclosure Statement with the link at the appropriate time.	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The 2025 RIS did not meet the threshold for Ministry for Regulation assessment.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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There are no aspects of the policy to be given effect by the proposed amendments to the Bill that are not addressed by the options analysed in the September 2025 RIS.

The original departmental disclosure statement includes how the overall policy to be given effect by the Bill varies from the options analysed in the earlier regulatory impact statements.

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be affected by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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In addition to the steps taken as set out in the original departmental disclosure statement, New Zealand's international obligations were considered during the policy development process for the proposed amendments to the Bill. This included input from MBIE's legal team and consultation with Ministry of Foreign Affairs and Trade.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

In addition to the steps taken as set out in the original departmental disclosure statement, MBIE undertook a desktop Treaty Analysis of the proposed change and engaged with Taranaki iwi/hapū on the proposal, including to meet Treaty settlement obligations in relation to the Crown Minerals Act 1991.
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Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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The Ministry of Justice's advice to the Attorney-General is publicly available at Advice on consistency of Bills with the Bill of Rights Act New Zealand Ministry of Justice .
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The Ministry of Justice concluded that the Bill is consistent with the rights and freedoms affirmed in the Bill of Rights Act.
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The proposed amendments have not been vetted for consistency with the New Zealand Bill of Rights Act 1990.
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Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
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(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
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(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
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Appendix 1 of the original departmental disclosure statement sets out the detail on the offences and penalty framework and jurisdiction of the court.

The proposed amendments do not create any additional offences or penalties or amend any such provisions in the Bill.
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3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
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Details of the consultation undertaken with the Ministry of Justice is provided in Appendix 1 of the original departmental disclosure statement.
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The Ministry of Justice was not consulted on the proposed amendments.

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>Details of how the Bill collects, stores, uses and discloses information is provided in Appendix 1 of the original departmental disclosure statement.</p> <p>The proposed amendments do not add or change any provisions relating to personal information.</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
<p>Information about engagement with the Office of the Privacy Commissioner (OPC) is provided in Appendix 1 of the original departmental disclosure statement. OPC was not consulted over any provisions in the Amendment Paper as there are no provisions related to personal information.</p>	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>There have been two rounds of public consultation on the policy given effect by this Bill, which can be accessed below:</p> <ul style="list-style-type: none"> • https://www.mbie.govt.nz/dmsdocument/25828-enabling-investment-in-offshore-renewable-energy • https://www.mbie.govt.nz/dmsdocument/26913-developing-a-regulatory-framework-for-offshore-renewable-energy-pdf <p>Summaries of the feedback can be found at:</p> <ul style="list-style-type: none"> • https://www.mbie.govt.nz/dmsdocument/27251-summary-of-submissions-enabling-investment-in-offshore-renewable-energy-december-2022 • https://www.mbie.govt.nz/assets/summary-of-submissions-developing-a-regulatory-framework-for-offshore-renewable-energy.pdf <p>MBIE has also engaged with industry, iwi and other stakeholders on key policy proposals and regulatory design issues during the development of the regime.</p> <p>Targeted engagement via meetings took place between July 2025 and December 2025 with offshore wind developers, the seabed mining firm Trans Tasman Resources and Taranaki iwi/hapū on the proposed amendments.</p> <p>There was general support / no opposition from those consulted on the proposal.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
<p>The policy details, including the proposed amendments to the Bill, have been tested with the regulator for workability.</p>	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
The proposed amendments mean that applications for seabed minerals permits in designated areas lodged under the CMA but not determined before the legislation are stayed. This provision is not legally retrospective but could be perceived as changing the rules for anyone who has lodged a consent application before the legislation is in force.	

Strict liability or reversal of the burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO
The original departmental disclosure statement sets out the strict liability offences created by the Bill. The proposed amendments do not create any additional strict liability offences or make any changes to the offence provisions.	

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	YES
The original departmental disclosure statement sets out the civil and criminal immunities created by the Bill. The proposed amendments do not create any additional civil or criminal immunities for any person or change any of those provisions.	

Significant decision-making powers

<p>4.6. Does this Bill create or amend a decision-making power to make a determination about a person’s rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?</p>	<p>YES</p>
<p>The proposed amendments introduce a new subpart 4 of Part 2 into the Bill that creates a power for joint Ministers to designate areas in the exclusive economic zone or territorial sea (or both) in which, while a designation notice is in effect:</p> <ul style="list-style-type: none"> - no new prospecting, exploration, or mining permits for minerals other than petroleum under the Crown Minerals Act 1991 (seabed minerals permits) can be applied for or granted in the ORE designated area - no existing seabed minerals permits can be extended in space within or into the ORE designated area - no existing permits for petroleum can be extended to other types of minerals in the ORE designated area - there is a stay on any seabed minerals permit applications that relate to the ORE designated area that have been received but not yet determined - petroleum permits in a designated area cannot be amended to cover other minerals. <p>Before exercising this power, joint Ministers must consult with relevant iwi/hapū and other persons who may be affected by a decision to designate an area. Ministers must also consider the impact to holders of or applicants for seabed minerals permits under the CMA.</p> <p>There is an obligation on Ministers to ensure that any restrictions are in place for an amount of time, and are of a size, that is reasonable to achieve the purpose of the subpart, which is to:</p> <ul style="list-style-type: none"> - give greater certainty for developers to invest in ORE developments - manage any competition or conflict that may arise from any incompatibility between seabed mining activities and ORE feasibility activities or ORE generation infrastructure activities. <p>The proposal includes circumstances under which a designation must be cancelled to ensure restrictions cannot endure indefinitely.</p>	

Powers to make delegated legislation

<p>4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</p>	<p>NO</p>
<p>4.8. Does this Bill create or amend any other powers to make delegated legislation?</p>	<p>YES</p>
<p>The Bill creates regulation empowering provisions and empowers the Minister to issue a safety zone notice, as set out in the original departmental disclosure statement.</p> <p>The proposed amendments create a power for Ministers to make a designation notice which is secondary legislation and may be disallowed in accordance with the Legislation Act 2019.</p> <p>The proposal includes an empowering provision enabling regulations to prescribe matters relating to ORE designated areas, for example, additional circumstances in which the joint Ministers must amend or cancel a designation notice.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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