



Parliament Buildings
Private Bag 18041
Wellington 6160
New Zealand

3rd February 2025

Dear Minister

I am writing to ask questions that follow on from the publication of the minerals strategy and critical minerals list last week.

My first questions relate to preferential pathways. As of last Friday, New Zealand has an official minerals strategy that makes an unambiguous commitment to “implement preferential pathways for development of critical minerals”.

Given the sheer number of minerals and metals on New Zealand’s list (it extends to 53 of the 65 naturally occurring and non-radioactive metals - and metalloids - in the periodic table), there will be a lot of preferential pathway writing. I would be interested to learn what process will be undertaken to develop the preferential pathways and the timeframe you have in mind. Can you assure me that the development of these preferential pathways will invite public input given that they concern resources owned by the people of New Zealand? I would certainly like to offer my comments prior to their finalisation.

My second question concerns the inclusion of metallurgical coal and gold on that list. To be included in the list, I understand that minerals should meet the following criteria:

- (i) essential to New Zealand’s economy, national security, and technology needs, and/or
- (ii) in demand by New Zealand’s international partners, and
- (iii) susceptible to supply disruptions

Neither metallurgical coal nor gold were considered by the consultants who conducted the criticality assessment, Wood Mackenzie, to meet these criteria. Interestingly, neither do they appear on the critical minerals lists of much larger industrialised economies such as the USA, the UK, Japan, Canada or Australia. Can you please supply the criteria that were applied to support their inclusion?

In considering your reply to these questions it might be helpful for me to explain why, as Parliamentary Commissioner for the Environment, I am taking an interest in this issue. As I hope you are aware, I have been publicly explicit in stating that I am not opposed to mining. The world needs minerals, and it is not an easily defensible position to decry mining locally but happily import the products of mining activities abroad.

I have consistently suggested that the benefits of mining should be weighed against the resulting environmental damage in a transparent way. For example, in my submission on the draft minerals strategy, I recommended that: “once national bottom lines have been met (i.e., schedule 4 land for the purposes of the Crown Minerals Act is not involved), proposals for new mines should be assessed on their merits or, in other words, using transparent cost benefit analysis.” In that way, the trade-offs that are being made can be transparently assessed by the public.

That brings me to my third question. Is it your intention to prescribe, in your preferential pathways, lower environmental standards to allow more mining? If so, what criteria will be used to arrive at those standards?

I appreciate the challenge mining companies face in making their case to exploit resources – resources that are in public ownership. Transparency about the terms of access will be an important part of winning social licence for the mining policy you are seeking to implement.

With kind regards

A handwritten signature in black ink, appearing to be 'Simon Upton', written in a cursive style.

Yours sincerely

Simon Upton

Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata