



ANALYSIS

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1978, No. 52

An Act to amend the Mining Act 1971

[16 October 1978]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Mining Amendment Act 1978, and shall be read together with and deemed part of the Mining Act 1971 (hereinafter referred to as the principal Act).

2. Public reserves, etc., open for mining—(1) Section 26 (4) of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

“Provided that an exploration licence shall not be granted in respect of land in a National Park or public reserve unless the Minister of Energy has given the Minister of Lands not less than 28 days notice of his intention to grant it.”

(2) Section 26 (5) of the principal Act is hereby amended by adding the following proviso:

“Provided that in respect of land in a National Park, the appropriate Minister shall be deemed to be the Minister of Lands and the Minister of Energy acting jointly.”

(3) Section 26 (8) of the principal Act is hereby amended by omitting the words “Minister of Lands”, and substituting the words “appropriate Minister”.

3. Entry on land for geological, etc., surveys—Section 39 (2) of the principal Act is hereby amended by adding the following proviso:

“Provided that before the holder of an exploration licence enters any National Park or public reserve by virtue of section 66 of this Act, he shall give reasonable notice to the controlling authority of the Park or reserve of his intention to enter and shall, while on the land, comply with such reasonable conditions as the controlling authority specifies.”

4. Removing automatic right to mining licence in National Parks—Section 57 (1) of the principal Act is hereby amended by adding the following proviso:

“Provided that the holder of a prospecting licence in respect of land in a National Park within the meaning of the National Parks Act 1952 shall not have such a right to have a mining licence granted to him but, while the prospecting licence continues in force, shall have the right in priority over any other person to have one mining licence granted to him in respect of any one part of the land to which the prospecting licence relates.”

5. Review of royalties—(1) Section 86 (1) of the principal Act is hereby amended—

(a) By omitting the words “ten years”, and substituting the words “5 years”:

(b) By omitting the words “ten-yearly”, and substituting the words “5-yearly”.

(2) Section 86 (2) of the principal Act is hereby amended by omitting the words “ten years”, and substituting the words “5 years”.

(3) The said section 86 is hereby further amended by adding the following subsection:

“(5) The Minister may, in his discretion, at any time reduce the rate of royalty payable under a mining licence.”

(4) Subsections (1) and (2) of this section shall apply only in respect of mining licences granted on or after the date of commencement of this section; and in respect of mining licences granted before that date section 86 of the principal Act shall continue to be read as if the said subsections (1) and (2) had not been enacted.