

MINISTRY OF ENERGY (FEES AND LEVIES) BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

PART I

AMENDMENTS TO MINISTRY OF ENERGY ACT 1977

Clause 2 provides for this Part of the Bill to be read together with and deemed part of the Ministry of Energy Act 1977.

The clause also provides for this Part of the Bill to come into force on 26 June 1987.

Clause 3 empowers the Secretary of Energy, either generally or in respect of any particular case or class of case, to fix the charges payable by any person for any regulatory or other lawful activity or service undertaken or provided by the Ministry of Energy or any officer or agent of the Ministry where—

- (a) The activity or service is undertaken or provided at the request of that person and is exclusively or principally for the benefit of that person; and
- (b) A fee is not prescribed in respect of that activity or service.

All charges so fixed are to be reasonable, and in fixing any charge the Secretary is to have regard to the costs and expenses incurred and borne by the Ministry in undertaking or providing the activity or service.

The Secretary may require, either generally or in respect of any particular case or class of case, that the whole or a specified part of any such charge be paid in advance.

Clause 4 inserts a new Part IIB in the Ministry of Energy Act 1977 to provide for the payment of levies by—

- (a) Owners of coal mines:
- (b) Owners of mineral mines:
- (c) Occupiers of quarries:
- (d) Generators of electricity for sale:
- (e) Wholesalers of piped gas.

The new section 15G provides for the payment of an annual levy by the owner of every coal mine.

The levy is calculated on the quantity of coal mined each calendar year and is payable to the Secretary of Energy on or before the 31st day of January in the following year.

The maximum rates of levies are set out in the section but a lesser rate may be prescribed by regulation.

The new section 15H provides for the payment of an annual levy by the owner of every mineral mine.

The levy is calculated on the quantity of minerals mined each calendar year and is payable to the Secretary of Energy on or before the 31st day of January in the following year. The rates of levy vary according to the value of the minerals.

The maximum rates of levies are set out in the section but lesser rates may be prescribed by regulation.

The annual levy payable in respect of any one mine is to be—

- (a) Not less than \$1,000 or not less than such lesser amount as may be prescribed;
- (b) Not more than \$10,000 or not more than such lesser amount as may be prescribed.

The new section 15I provides for the payment of an annual levy by the occupier of every quarry.

The levy is calculated on the quantity of material extracted each calendar year and is payable to the Secretary of Energy on or before the 31st day of January in the following year. The rates of levy vary according to the value of the material.

The maximum rates of levies are set out in the section but lesser rates may be prescribed by regulation.

The annual levy payable in respect of any one quarry is to be—

- (a) Not less than \$1,000 or not less than such lesser amount as may be prescribed.
- (b) Not more than \$10,000 or not more than such lesser amount as may be prescribed.

The new section 15J provides for the payment of an annual levy by every person or body who or which generates electricity for sale.

If any such person or body sells less than 2000 megawatt hours of electricity in any year, a levy is not payable.

The levy is calculated on the quantity of electricity sold in each year ended 31 March and is payable to the Secretary of Energy on or before 30 April.

The maximum rate of levy is set out in the section but a lesser rate may be prescribed by regulation.

The new section 15K provides for the payment of an annual levy by—

- (a) Every person or body who or which sells piped gas to a franchise holder;
and
- (b) Every person or body who or which sells piped gas directly to a consumer otherwise than pursuant to a franchise, whether authorised to do so under the Gas Act 1982 or any other Act; and
- (c) Every franchise holder who sells piped gas which is not subject to a levy pursuant to *paragraph (a) or paragraph (b)* of this subsection.

A levy is not payable in respect of gas sold for use as a feedstock or for the generation of electricity or to liquefied petroleum gas.

The levy is calculated on the energy content of gas sold in each year ended 31 March and is payable to the Secretary of Energy on or before 30 April.

The maximum rate of levy is set out in the section but a lesser rate may be prescribed by regulation.

The new section 15L provides that if there is any dispute or difference between the owner of a mineral mine or the occupier of a quarry and the Secretary of Energy as to the value of any minerals or materials, the value is to be fixed by arbitration.

The new section 15M provides for the due dates for payment of the levies.

If an award of arbitration or agreement under *section 15L* results in a change to the amount of levy payable, any overpayment is to forthwith be refunded by the Secretary and any underpayment is to be paid to the Secretary within 30 days after the date of the award of arbitration or agreement, as the case may be.

The new section 15N imposes a 10 percent penalty for late payment of levies.

The new section 15O provides that the levies are deemed to be payable to the Crown and may be recovered as a debt due to the Crown.

The new section 15P provides for the payment of levies into the Energy Account.

The new section 15Q provides for the obtaining of information for the purposes of the new Part IIB.

Subsection (1) provides that for the purpose of obtaining any information that may be required by the Secretary of Energy for the purposes of the new Part IIB, any person specifically or generally authorised in writing in that behalf by the Secretary may from time to time—

- (a) Subject to subsection (3), at any reasonable time enter any land, building, or place, other than a dwellinghouse;
- (b) Inspect and examine any property and any books, accounts, vouchers, records, or documents;
- (c) Require any person to produce any books, accounts, vouchers, records, or documents in that person's possession or under that person's control, and allow copies of or extracts from any such books, accounts, vouchers, records, or documents to be made or taken;
- (d) Require any person to furnish any information or particulars that may be required by the Secretary.

Subsection (2) provides that every such written authorisation must contain—

- (a) A reference to the new section 15Q; and
- (b) The full name of the authorised person; and
- (c) A statement of the powers conferred on the authorised person by subsection (1).

Subsection (3) provides that every person exercising any power of entry under subsection (1) must be in possession of the appropriate written authorisation, and evidence of identity, and must produce them to the occupier of the land, building, or place—

- (a) If practicable, on first entering the land, building, or place; and
- (b) Whenever subsequently reasonably required to do so by the occupier.

Subsection (4) provides that every person is to have the same privileges in relation to—

- (a) The production to any authorised person of any books, accounts, vouchers, records, or documents; and
 - (b) The furnishing to any authorised person of any information or particulars; and
 - (c) The answering of questions put by any authorised person—
- under the new section 15Q as witnesses have in Courts of law.

The new section 15R provides that every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 who—

- (a) Makes any statement knowing that it is both incorrect and material in any information or particulars furnished (whether in writing or not) under section 15Q; or
- (b) Knowingly makes any material omission from any information or particulars so furnished; or
- (c) Resists, obstructs, deceives, or attempts to deceive, any person who is exercising or attempting to exercise any power or function under section 15Q; or
- (d) Refuses or fails without reasonable excuse to comply with any requirement made under paragraph (c) or paragraph (d) of section 15Q(1).

The section also provides that any offence against section 15R committed by any employee or agent in the course of employment or agency shall be deemed to have been also committed by the employee's or agent's employer or principal if it is proved that the act or omission constituting the offence occurred with the employer's or principal's authority, permission, or consent.

The new section 15S empowers the making of regulations prescribing rates of levies lower than the rates set out in the new Part IIB.

The new section 15T declares that the levies payable under the new Part IIB are inclusive of goods and services tax.

Subclause (2) of clause 4 provides that levies will be payable only in respect of—

- (a) Coal and minerals mined; and
- (b) Material extracted from quarries; and
- (c) Electricity and gas sold—

on and after the commencement of the new Part IIB.

Subclause (3) of clause 4 provides that in respect of—

- (a) Coal and minerals mined; and
- (b) Material extracted from quarries—

during the period commencing on the date of commencement of the new Part IIB and ending with 31 December 1987, the new Part IIB is to apply as if that period was a period of 12 months.

Subclause (4) of clause 4 provides that in respect of electricity and gas sold during the period commencing on the date of commencement of the new Part IIB and ending with 31 March 1988, the new Part IIB is to apply as if that period was a period of 12 months.

PART II

AMENDMENTS TO OTHER ACTS

Amendments to Coal Mines Act 1979

Clause 5 provides for this clause and *clause 6* to be read together with and deemed part of the Coal Mines Act 1979.

The clause also provides for *clause 6* to come into force on 26 June 1987.

Clause 6 amends section 76 of the Coal Mines Act 1979, relating to the forfeiture of coal mining rights. The amendment provides for a new ground for forfeiture, namely that the holder has failed without reasonable cause to pay any levy payable under section 15G of the Ministry of Energy Act 1977 (as inserted by *clause 4* of this Bill) within 30 days after the date on which it is due.

Amendments to Mining Act 1971

Clause 7 provides for this clause and *clauses 8 to 12* to be read together with and deemed part of the Mining Act 1971.

The clause also provides for *clauses 8 to 12* to come into force on 26 June 1987.

Clause 8 amends section 103D of the Mining Act 1971 to enable the prescribing of an application fee where the holder of a mining privilege applies for a variation of conditions.

Clause 9 amends section 118 of the Mining Act 1971, relating to the forfeiture of mining privileges. The amendment provides for a new ground for forfeiture, namely that the holder has failed without reasonable cause to pay any levy payable under section 15H of the Ministry of Energy Act 1977 (as inserted by *clause 4* of this Bill) within 30 days after the date on which it is due.

Clause 10 amends section 123 of the Mining Act 1971 to enable the prescribing of an application fee where application is made for the Minister of Energy's consent to a tribute agreement.

Clause 11 amends section 145 of the Mining Act 1971 to enable the prescribing of an application fee where application is made for the Minister's consent to the transfer of, or any other dealing in connection with, a mining privilege.

Clause 12 repeals section 225 of the Mining Act 1971 which provided for the payment of goldfields revenue to local authorities.

Right Hon. R. J. Tizard

MINISTRY OF ENERGY (FEES AND LEVIES)

ANALYSIS

Title	15Q. Power to inspect property, obtain information, and enter land	
1. Short Title	15R. Offence to make incorrect statement, etc.	
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2. This Part to be read with Ministry of Energy Act 1977	15S. Rates of levies may be prescribed	
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AMENDMENTS TO OTHER ACTS		
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11. Mining privileges not to be transferred or dealt with without Minister's consent		
12. Repealing provisions relating to goldfields revenue		
15G. Levies payable by owners of coal mines		
15H. Levies payable by owners of mineral mines		
15I. Levies payable by occupiers of quarries		
15J. Electricity levies		
15K. Gas levies		
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15M. Due dates for payment		
15N. Penalty for late payment		
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A BILL INTITULED

An Act to provide for the payment of levies and additional fees to the Ministry of Energy

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title**—This Act may be cited as the Ministry of Energy (Fees and Levies) Act 1987.

PART I

AMENDMENTS TO MINISTRY OF ENERGY ACT 1977

2. This Part to be read with Ministry of Energy Act 1977—(1) This Part of this Act shall be read together with and deemed part of the Ministry of Energy Act 1977* (in this Part of this Act referred to as the principal Act). 5

(2) This Part of this Act shall come into force on the 26th day of June 1987.

*1977, No. 33

Amendments: 1977, No. 65, s. 144; 1981, No. 78; 1983, No. 81; 1985, No. 196

3. Charges for regulatory activities and services, etc.— The principal Act is hereby amended by inserting, after section 15B (as inserted by section 144 (2) of the Public Finance Act 1977), the following section: 10

“15BA. (1) The Secretary may from time to time, either generally or in respect of any particular case or class of case, fix the charges payable by any person for any regulatory or other lawful activity or service undertaken or provided by the Ministry or any officer or agent of the Ministry where— 15

“(a) The activity or service is undertaken or provided at the request of that person and is exclusively or principally for the benefit of that person; and 20

“(b) A fee is not prescribed in respect of that activity or service.

“(2) All charges so fixed shall be reasonable, and in fixing any charge the Secretary shall have regard to the costs and expenses incurred and borne by the Ministry in undertaking or providing the activity or service. 25

“(3) The Secretary may require, either generally or in respect of any particular case or class of case, that the whole or a specified part of any such charge be paid in advance.

“(4) All money received pursuant to this section shall be paid into the Energy Account. 30

“(5) Nothing in this section shall be construed as limiting or affecting the provisions of section 15 of this Act.”

4. Levies—(1) The principal Act is hereby amended by inserting, after section 15F (as inserted by section 144 (2) of the Public Finance Act 1977), the following Part: 35

“PART IIB

“LEVIES

“15G. **Levies payable by owners of coal mines**—(1) In this section, unless the context otherwise requires, expressions
5 defined in the Coal Mines Act 1979 shall have the meanings so defined.

“(2) On or before the 31st day of January in each year, the owner of every coal mine (including every coal mine worked by the Coal Corporation of New Zealand Limited), wherever it is
10 situated and whether or not a coal mining licence is held in respect of it, shall supply the Secretary with a true and accurate return of the quantity of all coal that has been mined during the immediately preceding period of 12 months ended with the 31st day of December, together with the levy calculated in
15 accordance with this section.

“(3) The levy payable on all coal that has been mined within the said period of 12 months shall be as follows:

“(a) In respect of peat, 30 cents per complete cubic metre or such lesser amount per complete cubic metre as
20 may be prescribed:

“(b) In respect of coal mined from an opencast coal mine, 80 cents per complete tonne or such lesser amount per complete tonne as may be prescribed:

“(c) In respect of coal mined from an underground coal mine, \$1 per complete tonne or such lesser amount
25 per complete tonne as may be prescribed.

“15H. **Levies payable by owners of mineral mines**—(1) In this section, unless the context otherwise requires, expressions defined in the Mining Act 1971 shall have the
30 meanings so defined.

“(2) On or before the 31st day of January in each year, the owner of every mine, wherever it is situated and whether or not a mining licence is held in respect of it, shall supply the Secretary with a true and accurate return of the quantity of all
35 minerals that have been mined during the immediately preceding period of 12 months ended with the 31st day of December, together with—

“(a) In respect of such of the minerals as have been sold or agreed to be sold, details of the gross price received or receivable by the seller of the minerals; and
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“(b) In respect of such of the minerals as have not been sold or agreed to be sold, the estimated value at the mine of the minerals; and

“(c) The levy calculated in accordance with this section.

“(3) Subject to **section 15L** of this Act, for the purposes of this section, the value of the minerals shall be the gross price received or receivable for the minerals or the estimated value of the minerals, as the case may be. 5

“(4) Subject to **subsection (5)** of this section, the levy payable on all minerals that have been mined during the said period of 12 months shall be as follows:

“(a) Where the value of the minerals is not less than \$1 nor more than \$10 per tonne, 8 cents per complete tonne or such lesser amount per complete tonne as may be prescribed: 10

“(b) Where the value of the minerals is more than \$10 but \$100 or less per tonne, 12 cents per complete tonne or such lesser amount per complete tonne as may be prescribed: 15

“(c) Where the value of the minerals is more than \$100 but \$1,000 or less per tonne, 16 cents per complete tonne or such lesser amount per complete tonne as may be prescribed: 20

“(d) Where the value of the minerals (other than gold and silver) is more than \$1,000 per tonne, 20 cents per complete tonne or such lesser amount per complete tonne as may be prescribed:

“(e) Where the minerals mined are gold or silver, the levy shall be at the rate of \$290 per kilogram of marketable gold or silver or such lesser rate per kilogram as may be prescribed. 25

“(5) The annual levy payable under this section in respect of any one mine shall be— 30

“(a) Not less than \$1,000 or not less than such lesser amount as may be prescribed:

“(b) Not more than \$10,000 or not more than such lesser amount as may be prescribed.

“15L. **Levies payable by occupiers of quarries**—(1) In this section, unless the context otherwise requires, expressions defined in the Quarries and Tunnels Act 1982 shall have the meanings so defined. 35

“(2) On or before the 31st day of January in each year, the occupier of every quarry, wherever it is situated, shall supply the Secretary with a true and accurate return of all material that has been extracted from the quarry during the immediately preceding period of 12 months ended with the 31st day of December, together with— 40

“(a) In respect of such of the material as has been sold or agreed to be sold, details of the gross price received or receivable by the seller of the material:

5 “(b) In respect of such of the material as has not been sold or agreed to be sold, the estimated value at the quarry of the material; and

“(c) The levy calculated in accordance with this section.

“(3) Subject to **section 15i** of this Act, for the purposes of this section, the value of the material shall be the gross price
10 received or receivable for the material or the estimated value of the material, as the case may be.

“(4) Subject to **subsection (5)** of this section, the levy payable on all material that has been extracted during the said period of 12 months shall be as follows:

15 “(a) Where the value of the material is not less than \$1 nor more than \$10 per tonne, 8 cents per complete tonne or such lesser amount per complete tonne as may be prescribed:

20 “(b) Where the value of the material is more than \$10 but \$100 or less per tonne, 12 cents per complete tonne or such lesser amount per complete tonne as may be prescribed:

25 “(c) Where the value of the material is more than \$100 but \$1,000 or less per tonne, 16 cents per complete tonne or such lesser amount per complete tonne as may be prescribed.

“(5) The annual levy payable under this section in respect of any one quarry shall be—

30 “(a) Not less than \$1,000 or not less than such lesser amount as may be prescribed:

“(b) Not more than \$10,000 or not more than such lesser amount as may be prescribed.

35 “15j. **Electricity levies**—(1) In this section, unless the context otherwise requires, expressions defined in the Electricity Act 1968 shall have the meanings so defined.

40 “(2) On or before the 30th day of April in each year, every person or body who or which generates electricity for sale (including the Electricity Corporation of New Zealand Limited) shall supply the Secretary with a true and accurate return of all electricity sold from such generation during the immediately preceding period of 12 months ended with the 31st day of March, together with the levy calculated in accordance with this section:

“Provided that any person or body who or which has sold from such generation less than 2000 megawatt hours during that period need not supply a return nor pay any levy.

“(3) The levy payable on all such electricity that has been sold during the said period of 12 months shall be 2 cents for each complete 100 kilowatt hours of such electricity or such lesser amount for each complete 100 kilowatt hours as may be prescribed. 5

“15k. **Gas levies**—(1) In this section, unless the context otherwise requires, expressions defined in the Gas Act 1982 shall have the meanings so defined. 10

“(2) Nothing in this section shall apply to gas sold for use as a feedstock or for the generation of electricity or to liquefied petroleum gas.

“(3) On or before the 30th day of April in each year— 15

“(a) Every person or body who or which sells piped gas to a franchise holder; and

“(b) Every person or body who or which sells piped gas directly to a consumer otherwise than pursuant to a franchise, whether authorised to do so under the Gas Act 1982 or any other Act; and 20

“(c) Every franchise holder who sells piped gas which is not subject to a levy pursuant to paragraph (a) or paragraph (b) of this subsection—

shall supply the Secretary with true and accurate returns of the energy content of all such gas that has been so sold during the immediately preceding period of 12 months ended with the 31st day of March, together with the levy calculated in accordance with this section. 25

“(4) The levy payable on all piped gas that has been so sold during the said period of 12 months shall be 2 cents for each complete gigajoule or such lesser amount for each complete gigajoule as may be prescribed. 30

“(5) All gas measurements made for the purpose of supplying a return and calculating the levy payable under this section shall be made by the use of methods approved by the Chief Inspecting Engineer. 35

“15L. **Arbitration**—(1) If there is any dispute or difference between the owner of a mine or the occupier of a quarry and the Secretary as to the gross price received or receivable for any minerals or material or the value of any minerals or material, for the purposes of section 15H or section 15I of this Act, 40

the gross price or value shall be fixed by arbitration in accordance with the Arbitration Act 1908.

“(2) For the purposes of any such arbitration, this section shall be deemed to be a submission within the meaning of the
5 Arbitration Act 1908, and the reference shall be deemed to be to 2 arbitrators, one to be appointed by the Secretary, and the other by the owner of the mine or the occupier of the quarry, as the case may require.

“(3) Notwithstanding the provisions of **subsection (1)** of this
10 section, the parties may agree on the gross price or value of the minerals or material, either before or after the matter is submitted to arbitration, and, if the agreement is made after the date of any award of arbitration, the award shall be deemed to be cancelled.

15 “**15M. Due dates for payment**—(1) Every levy payable under **section 15G, section 15H, section 15I, section 15J, or section 15K** of this Act shall be due and payable on the date specified in that behalf in the section under which the levy is payable.

“(2) If an award of arbitration or agreement under **section 15I**
20 of this Act results in a change to the amount of levy payable, any overpayment shall forthwith be refunded by the Secretary and any underpayment shall be paid to the Secretary within 30 days after the date of the award of arbitration or agreement, as the case may be.

25 “**15N. Penalty for late payment**—If any levy is not paid on or before the date on which it is payable, the person liable to pay it shall pay to the Secretary an additional amount equal to 10 percent of the unpaid amount.

30 “**15O. Recovery of levies**—All money payable to the Secretary under this Part of this Act shall be deemed to be payable to the Crown, and may be recovered from the person liable to pay it as a debt due to the Crown.

35 “**15P. Payment into Energy Account**—All money received by the Secretary under this Part of this Act shall be paid into the Energy Account.

40 “**15Q. Power to inspect property, obtain information, and enter land**—(1) For the purpose of obtaining any information that may be required by the Secretary for the purposes of this Part of this Act, any person specifically or generally authorised in writing in that behalf by the Secretary may from time to time—

- “(a) Subject to **subsection (3)** of this section, at any reasonable time enter any land, building, or place, other than a dwellinghouse:
- “(b) Inspect and examine any property and any books, accounts, vouchers, records, or documents: 5
- “(c) Require any person to produce any books, accounts, vouchers, records, or documents in that person’s possession or under that person’s control, and allow copies of or extracts from any such books, accounts, vouchers, records, or documents to be made or 10 taken:
- “(d) Require any person to furnish any information or particulars that may be required by the Secretary.
- “(2) Every such written authorisation shall contain—
- “(a) A reference to this section; and 15
- “(b) The full name of the authorised person; and
- “(c) A statement of the powers conferred on the authorised person by **subsection (1)** of this section.
- “(3) Every person exercising any power of entry under **subsection (1)** of this section shall be in possession of the 20 appropriate written authorisation, and evidence of identity, and shall produce them to the occupier of the land, building, or place—
- “(a) If practicable, on first entering the land, building, or place; and 25
- “(b) Whenever subsequently reasonably required to do so by the occupier.
- “(4) Every person shall have the same privileges in relation to—
- “(a) The production to any authorised person of any books, 30 accounts, vouchers, records, or documents; and
- “(b) The furnishing to any authorised person of any information or particulars; and
- “(c) The answering of questions put by any authorised person— 35
- under this section as witnesses have in Courts of law.
- “15R. **Offence to make incorrect statement, etc.—**
- (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 who—
- “(a) Makes any statement knowing that it is both incorrect 40 and material in any information or particulars furnished (whether in writing or not) under **section 15a** of this Act; or

“(b) Knowingly makes any material omission from any information or particulars so furnished; or

5 “(c) Resists, obstructs, deceives, or attempts to deceive, any person who is exercising or attempting to exercise any power or function under **section 15a** of this Act; or

“(d) Refuses or fails without reasonable excuse to comply with any requirement made under **paragraph (c) or paragraph (d) of section 15a (1)** of this Act.

10 “(2) Any offence against this section committed by any employee or agent in the course of employment or agency shall be deemed to have been also committed by the employee’s or agent’s employer or principal if it is proved that the act or omission constituting the offence occurred with the employer’s
15 or principal’s authority, permission, or consent.

“15s. **Rates of levies may be prescribed**—Without limiting the general power to make regulations conferred by section 28 of this Act, regulations may be made under that section prescribing rates of levies lower than the rates set out in
20 this Part of this Act.

“15T. **Amount of goods and services tax included**—It is hereby declared that the levies payable under this Part of this Act are inclusive of goods and services tax under the Goods and Services Tax Act 1985.”

25 (2) The provisions of **Part IIb** of the principal Act (as inserted by **subsection (1)** of this section) shall apply only in respect of—
(a) Coal and minerals mined; and
(b) Material extracted from quarries; and
(c) Electricity and gas sold—

30 on and after the commencement of this section.

(3) In respect of—

(a) Coal and minerals mined; and

(b) Material extracted from quarries—

35 during the period commencing on the date of commencement of this section and ending with the 31st day of December 1987, **Part II b** of the principal Act (as so inserted) shall apply as if that period was a period of 12 months.

40 (4) In respect of electricity and gas sold during the period commencing on the date of commencement of this section and ending with the 31st day of March 1988, **Part II b** of the principal Act (as so inserted) shall apply as if that period was a period of 12 months.

PART II

AMENDMENTS TO OTHER ACTS

*Amendments to Coal Mines Act 1979***5. Sections to be read with Coal Mines Act 1979—**

(1) This section and **section 6** of this Act shall be read together with and deemed part of the Coal Mines Act 1979* (in that section referred to as the principal Act). 5

(2) This section and **section 6** of this Act shall come into force on the 26th day of June 1987.

*1979, No. 21

Amendments: 1980, No. 104; 1982, No. 63; 1983, No. 45; 1985, No. 107

6. Forfeiture of coal mining right—Section 76 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph: 10

“(ba) Has failed without reasonable cause to pay any levy payable under **section 15G** of the Ministry of Energy Act 1977 within 30 days after the date on which it was due; or” 15

Amendments to Mining Act 1971

7. Sections to be read with Mining Act 1971—(1) This section and **sections 8 to 12** of this Act shall be read together with and deemed part of the Mining Act 1971* (in those sections referred to as the principal Act). 20

(2) This section and **sections 8 to 12** of this Act shall come into force on the 26th day of June 1987.

*R.S. Vol. 17, p. 355

8. Variation of conditions—Section 103D of the principal Act (as inserted by section 25 (1) of the Mining Amendment Act 1981) is hereby amended by inserting, after subsection (3), the following subsection: 25

“(3A) Every application made by the holder of a mining privilege under this section for a variation of conditions shall be accompanied by the prescribed fee.” 30

9. Forfeiture of mining privilege—Section 118 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) Has failed without reasonable cause to pay any levy payable under **section 15H** of the Ministry of Energy 35

Act 1977 within 30 days after the date on which it was due; or”.

10. Tribute agreements—Section 123 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Every application for the Minister’s consent under subsection (2) of this section shall be accompanied by the prescribed fee.”

11. Mining privileges not to be transferred or dealt with without Minister’s consent—Section 145 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Every application for the Minister’s consent under subsection (1) of this section shall be accompanied by the prescribed fee.”

12. Repealing provisions relating to goldfields revenue—(1) Section 225 of the principal Act is hereby repealed.

(2) So much of Part III of the Third Schedule to the Local Government Amendment Act 1979 as relates to section 225 of the principal Act is hereby consequentially repealed.

(3) Regulation 38 of the Mining Regulations 1981 is hereby amended by omitting the expression “, 224, and 225”, and substituting the expression “and 224”.