

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Thursday, the 15th Day of October 1959

BAUXITE BILL

Hon. Mr HACKETT, in Committee, to move the following amendments:

Clause 3: To add the following subclause:

(7) Where prospecting or mining for bauxite in a bauxite area is likely to interfere with any works or property subject to the control of any Minister of the Crown, that Minister may impose such terms and conditions with respect to the prospecting or mining as may be considered necessary in order to protect the works or property, and all persons concerned shall be bound by any such terms and conditions.

Clause 7, subclause (3): To insert, after the words "shall be taken", the words "or set apart".

To add the words "and all land set apart as aforesaid shall, for the purposes of this Act, be deemed to be taken under this Act".

Clause 9: To omit this subclause, and substitute the following:

9. Royalties—(1) Every person having an estate or interest in any land taken under this Act shall be entitled in accordance with this section to receive royalties in respect of any bauxite mined from the land.

(2) There shall be payable in respect of any bauxite mined from any land in a bauxite area taken under this Act, a royalty of such amount, not exceeding ninepence for every long ton of wet crude bauxite mined from the land, as may be agreed upon by the Minister and the person entitled to receive the royalty, or in default of agreement, as may be fixed by arbitration in accordance with the provisions of the Arbitration Act 1908:

Provided that where the land is set apart under this Act, the rate of royalty shall be fixed by the Minister.

(3) This section, for the purposes of any such arbitration, shall be deemed to be a submission within the meaning of the Arbitration Act 1908, and the reference shall be deemed to be to two arbitrators, one to be appointed by the person entitled to receive the royalty, and the other by the Minister.

(4) It shall be a term of every award made pursuant to any such arbitration that the rate of royalty fixed by the award shall be reviewed every seven years and the rate of royalty (which shall not exceed the maximum rate specified in subsection two of this section) in respect of each seven-year period shall be fixed either by agreement or by arbitration as aforesaid.

(5) Notwithstanding the provisions of subsection two or subsection four of this section, the parties may agree, either before or after the claim is submitted to arbitration, that full settlement of any claim for royalties under this section may be effected by payment of an agreed sum or by payment of royalty at an agreed rate (not exceeding the maximum rate specified in subsection two of this section), and, if the agreement is made after the date of any award of arbitration under this section relating to the claim, the award shall be deemed to be cancelled.

(6) The Minister shall, in granting any rights to any person under section ten of this Act, provide for the payment by that person to the Minister of any royalty payable under this section in respect of the rights granted.

(7) All royalties and other money received pursuant to the provisions of this Act shall be paid into the Public Account:

Provided that the Minister of Finance shall, subject to any lawful charges connected with the cost of collection, pay, without further appropriation than this section, any royalties received as aforesaid to the person entitled thereto under this section.

Schedule: To omit the Schedule, and substitute the following:

SCHEDULE

BAUXITE AREA

ALL that area in the North Auckland Land District bounded by a line commencing at the south-western corner of Waipoua Survey District and proceeding generally northerly, easterly, and southerly along the sea coast to the south-eastern corner of Taiharuru Survey District; thence westerly along the southern boundaries of that survey district, the Whangarei, Purua, Mangakahia, Tutamoe, and Waipoua Survey Districts to the point of commencement; together with the Three Kings Islands, Stephenson Island, Cavalli Islands, Poor Knights Islands, and all other adjacent islands, including those in the Bay of Islands.
