



## ANALYSIS

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| <p><b>Title.</b></p> <p><b>1. Short Title.</b></p> <p>2. Conditions in mining licence to be granted in exchange for prospecting licence to be specified.</p> <p>3. Minister to grant extension if conditions of prospecting licence complied with.</p> <p>4. Minister may suspend obligation to commence or carry on prospecting operations in certain circumstances.</p> | <p>5. Exchange of mining licences for prospecting licences.</p> <p>6. As to conditions in licences.</p> <p>7. Minister may direct that crude petroleum be refined in New Zealand.</p> <p>8. Minister not to revoke licence unless Magistrate recommends revocation.</p> <p>9. Certain matters may be referred to arbitration.</p> <p>10. Arbitration.</p> <p>11. Retrospective effect of Act.</p> |
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1955, No. 43

**Title.**

AN ACT to amend the Petroleum Act 1937.

[20 October 1955]

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

**Short Title.**

1. This Act may be cited as the Petroleum Amendment Act 1955, and shall be read together with and deemed part of the Petroleum Act 1937 (hereinafter referred to as the principal Act).

**1937, No. 27**

Conditions in mining licence to be granted in exchange for prospecting licence to be specified.

2. (1) The Minister, when granting any prospecting licence, or on the application of any person who is the holder of a prospecting licence at the commencement of this Act, shall specify the conditions to which any mining licence granted to the licensee in respect of the land or any part of the land contained in the prospecting licence will be subject in the event of the licensee

receiving the mining licence in exchange for the prospecting licence under subsection three of section nine of the principal Act.

(2) Any conditions specified under subsection one of this section shall, on the grant of the mining licence, be imposed as conditions to which the mining licence is subject.

3. (1) The principal Act is hereby amended by inserting, after section five, the following section:

“5A. (1) Every prospecting licence shall be granted for a period of five years.

“(2) The Minister, if he is satisfied that the holder of a prospecting licence has complied substantially with the conditions of the licence, shall, on the application of the licensee made before the expiration of the licence, extend the term of the licence for a further period of five years:

“Provided that the aggregate of the term of the original licence and of any extension thereof shall not exceed ten years.”

(2) Section sixty of the Statutes Amendment Act 1941 is hereby repealed.

4. The principal Act is hereby amended by inserting, after section eight, the following section:

“8A. (1) Notwithstanding the provisions of this Act, where—

“(a) The holder of two or more prospecting licences; or

“(b) An applicant for a prospecting licence who is already the holder of any such licence; or

“(c) An applicant for two or more prospecting licences,—

gives an undertaking in writing to conduct, at an estimated cost and during a period specified in the undertaking, such geological, geophysical, or other investigations as will ensure that the areas comprised in all the licences held or applied for will, before the expiration of the period specified in the undertaking, be adequately prospected for petroleum, the Minister may, from time to time, on application in that behalf by the licensee or the applicant, modify or suspend, for such period as the Minister thinks fit, the obligations imposed by subsections one and two of section eight of this Act in respect of the land comprised in any licence held or applied for by the licensee.

Minister to grant extension if conditions of prospecting licence complied with.

1941, No. 26

Minister may suspend obligation to commence or carry on prospecting operations in certain circumstances.

“(2) Before granting any application under this section the Minister may require the applicant to furnish such detailed information as may be necessary to deal with the application.

“(3) Where an application is granted under this section, the terms of the undertaking in consideration of which the application was granted shall be included in each licence to which the undertaking applies as conditions to which the licence is subject and each such licence shall, if necessary, be amended accordingly.”

Exchange of  
mining licences  
for prospecting  
licences.

5. (1) Section nine of the principal Act is hereby amended by repealing subsection three, and substituting the following subsection:

“(3) Any licensee under a prospecting licence who has substantially complied with the conditions of his licence shall have the right, on application made at any time during the currency of that licence, to surrender the same, as to the whole or any part of the land comprised therein, and, on compliance with the requirements of this Act as to the grant of mining licences, to receive in exchange therefor one or more mining licences over the land or any part of the land specified by the licensee and comprised in his prospecting licence.”

(2) Section nine of the principal Act is hereby further amended by omitting from subsection five the words “A mining licence”, and substituting the words “Subject to the provisions of subsection three of this section, a mining licence”.

As to conditions  
in licences.

6. (1) The principal Act is hereby amended by inserting, after section nine, the following section:

“9A. Every prospecting licence and every mining licence shall be subject to such conditions, not inconsistent with this Act, as the Minister, when granting the licence, thinks fit to impose in the circumstances of each particular case:

“Provided that where the Minister has specified conditions to which a mining licence will be subject in the event of the licence being received in exchange for a prospecting licence, no conditions additional to or in modification of the conditions specified as aforesaid shall, without the consent of the licensee, be imposed under this section when the mining licence is granted.”

(2) The principal Act is hereby amended by repealing subsection four of section five and subsection eight of section nine thereof.

7. The principal Act is hereby amended by repealing section thirteen, and substituting the following section:

Minister may direct that crude petroleum be refined in New Zealand.

“13. (1) If, after consultation with the licensee under a mining licence, the Minister is satisfied that products required for use in New Zealand are able to be manufactured economically in New Zealand by or on behalf of the licensee from crude petroleum produced from land comprised in the mining licence, the Minister, in accordance with regulations made under this Act, may direct that the licensee refine or cause to be refined in New Zealand so much of the crude petroleum as may be required for the manufacture of those products.

“(2) If, after considering such evidence as is available to him, the Minister is of the opinion that a direction should be given under subsection one of this section, he shall notify the licensee in writing to that effect.

“(3) Unless the licensee agrees that a direction should be given as aforesaid, he may, within twenty-eight days after the date of receiving the notification, refer the matter to arbitration in accordance with section thirty-eight A of this Act.”

“(4) Where a direction is given under subsection one of this section, the Minister may give a further direction prohibiting the export from New Zealand of any crude petroleum directed to be refined and of all or any of the products required for use in New Zealand manufactured from any such petroleum.

“(5) Any person who fails to comply with any direction of the Minister under this section commits an offence against this Act and, if he is a licensee, shall be deemed to have failed to comply with the conditions of his licence.”

8. Section seventeen of the principal Act is hereby amended by omitting from subsection three the words “who, if he is satisfied that it is just so to do, may thereupon revoke the licence”, and substituting the words “and, if the Magistrate has recommended that the licence should be revoked and the Minister is satisfied that it is just to do so, the Minister may thereupon revoke the licence”.

Minister not to revoke licence unless Magistrate recommends revocation.

Certain matters  
may be referred  
to arbitration.

9. Section thirty-eight of the principal Act is hereby amended by adding the following subsection as subsection two thereof:

“(2) Where an application is made to the Minister under section five A of this Act for an extension of the term of a prospecting licence or under subsection three of section nine of this Act for the exchange of a mining licence for a prospecting licence, and the Minister has reason to believe that the licensee has not complied substantially with the conditions of his licence, or should not be deemed under this section to have complied substantially with the conditions of his licence, the Minister shall notify the licensee in writing accordingly, and the licensee may, within twenty-eight days after the date of receiving the notification, refer the matter to arbitration in accordance with section thirty-eight A of this Act.”

Arbitration.

10. The principal Act is hereby amended by inserting, after section thirty-eight, the following section:

“38A. (1) Where a licensee refers any matter to arbitration under subsection three of section thirteen or under subsection two of section thirty-eight of this Act, this section, for the purposes of the 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 Minister and one by the licensee. The two arbitrators shall appoint an umpire immediately they are themselves appointed.

See Reprint  
of Statutes,  
Vol. I, p. 346

“(2) If the licensee fails to refer any such matter to arbitration within the time limited in that behalf by this Act, the Minister, after making such further inquiries as he thinks fit, shall make such decision in the matter as he considers just and equitable in the circumstances.”

“(3) Notwithstanding the provisions of section forty-one of this Act, the decision of the arbitrators shall be final and binding on the parties to the arbitration and the Minister shall take such steps as may be necessary to ensure that effect is given to the decision.”

Retrospective  
effect of Act.

11. Every prospecting licence and every mining licence in force at the commencement of this Act shall have effect in all respects as if this Act had been in force at the time the licence was granted.

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