

Hon. Mr. O'Brien,

ATOMIC ENERGY

ANALYSIS

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A BILL INTITULED

AN ACT to make Provision for the Control in New Zealand of the Means of producing Atomic Energy and for that Purpose to provide for the Control of the Mining and Treatment of the Ores of Uranium and other Elements which may be used for the Production of Atomic Energy, and to provide for the vesting of such Substances in the Crown.

No. 58—1

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 Atomic Energy Act, 1945.

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Interpretation.

2. In this Act, unless the context otherwise requires,—

“ Atomic energy ” means energy derived from the nuclei of atoms arising from the fission or modification by controlled artificial means of the nuclei of atoms:

“ Minister ” means the Minister of Mines:

“ Minister for Scientific and Industrial Research ” means the Minister for the time being charged with the administration of the Scientific and Industrial Research Act, 1926:

“ New Zealand ” includes any territory subject to the protection, mandate, trusteeship, or authority of the Government of the Dominion of New Zealand, including the Cook Islands:

“ Uranium ” includes thorium and all natural substances, chemical compounds, and physical combinations of uranium or thorium, including the minerals uranothorite, monazite, thorite, titanite, and hyacinth.

3. This Act shall extend to and be in force in the Cook Islands and Western Samoa.

See Reprint of Statutes, Vol. VIII, p. 175

Application of Act in Cook Islands and Samoa.

Notification of discovery of uranium.

4. (1) Every person who, whether before or after the passing of this Act, has discovered that uranium occurs at any place in New Zealand shall, within three months after the passing of this Act or after making the discovery, whichever is the later, report the discovery by written notice (which shall specify the ore, the place of its occurrence, and the date of the discovery) to the Under-Secretary of the Mines Department.

(2) The Minister may out of moneys appropriated by Parliament for the purpose make such grant as he shall in his discretion think fit to any person who first makes any such discovery as aforesaid.

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5. (1) If the Minister is satisfied that any person is mining or is about to mine any substance from which, in the opinion of the Minister, uranium may reasonably be expected to be isolated or extracted, or is engaged 5 or about to engage in treating or concentrating by any physical, chemical, or metallurgical process any substance from which, in the opinion of the Minister, uranium may reasonably be expected to be isolated or extracted, the Minister may by notice in writing given 10 to that person either—
- (a) Require him in conducting the mining operations or in treating or concentrating the substance aforesaid to comply with and observe such terms and conditions as the Minister may in 15 the notice, or from time to time thereafter, think fit to impose; or
- (b) Totally prohibit him from treating or concentrating the substance aforesaid.
- (2) Without prejudice to the generality of the *last* 20 *preceding* subsection, the Minister may require that the mining operations shall be so conducted, or that such process for treatment and concentration shall be used, as will provide for or facilitate the extraction, isolation, or concentration of the uranium.
- 25 6. (1) All minerals, concentrates, or other materials containing uranium which are extracted, isolated, or concentrated in accordance with any terms or conditions imposed by the Minister under the *last preceding* section shall be the property of the Crown and shall be 30 delivered to the Minister or as he shall direct.
- (2) There shall be paid out of moneys appropriated by Parliament for the purpose to the persons who so deliver the minerals, concentrates, or other substances aforesaid such sums in respect thereof as may from 35 time to time be fixed by the Minister having regard to the costs of production and to such other factors as may in his opinion be relevant.
- (3) All minerals, concentrates, and other materials aforesaid, and all uranium which is obtained therefrom 40 or otherwise comes into the possession or control of the Minister shall be held, or disposed of, or otherwise dealt with as the Minister may direct.
7. No person shall without the prior written consent of the Minister import any uranium.

Minister may control mining or concentrating of substances containing uranium.

Uranium to be dealt with as Minister directs.

Importation of uranium prohibited.

Uranium in its natural condition to be property of Crown.

8. (1) Notwithstanding anything to the contrary in any Act or in any Crown grant, certificate of title, lease, or other instrument of title, all uranium existing in its natural condition on or below the surface of any land within the territorial limits of New Zealand, whether the land has been alienated from the Crown or not, is hereby declared to be the property of the Crown. 5

(2) All alienations of land from the Crown made after the passing of this Act, whether by way of sale or lease or otherwise, shall be deemed to be made subject to the reservation of all uranium existing in its natural condition on or below the surface of the land, and subject to the provisions of this Act. 10

No compensation for uranium in natural condition.

See Reprint of Statutes, Vol. VII, p. 622

9. Compensation shall not be payable under the Public Works Act, 1928, or any other Act in respect of any uranium existing in its natural condition on or below the surface of any land. 15

Minister may mine uranium.

10. (1) The Minister, on behalf of His Majesty, may mine uranium and carry on such processes or operations as he thinks fit for the concentration, isolation, extraction, and chemical purification of uranium. 20

(2) Any such mining and the carrying-on of any such processes or operations as aforesaid shall be deemed to be a public work within the meaning of the Public Works Act, 1928. 25

Disposal of land acquired but no longer required for purposes of this Act.

11. If any land taken, purchased, or otherwise acquired for any of the purposes referred to in the *last preceding* section is no longer required for any of those purposes, the Minister may sell or otherwise dispose of that land or any part thereof in such manner and on such terms as he thinks fit. 30

No person to possess fissionable substances, &c., without consent.

12. (1) No person shall, without the prior written consent of the Minister for Scientific and Industrial Research, import or have in his possession or control any plutonium or other substance from which atomic energy may be produced more readily than from uranium of natural isotope composition. 35

(2) No person shall, without the prior written consent of the Minister for Scientific and Industrial Research, import, construct, have in his possession or 40

control, or operate any machine, atomic pile, or apparatus which may be capable of producing atomic energy or which the Minister for Scientific and Industrial Research has by notice in the *Gazette* for the purpose of this section declared to be an essential part of any such machine, pile, or apparatus as aforesaid.

(3) No person shall, without the prior written consent of the Minister for Scientific and Industrial Research, import, manufacture, or have in his possession or control any material or substance which that Minister has by notice in the *Gazette* for the purposes of this section declared to be essential to any process for the production of atomic energy.

13. (1) Notwithstanding anything to the contrary in the foregoing provisions of this Act, uranium and thorium of natural isotope composition of an amount not exceeding the appropriate amount mentioned in the *next succeeding* subsection may be possessed and used for the purpose of instruction and of investigation as to the properties and effects of radio-active and like radiations at any constituent college of the University of New Zealand, at any school providing secondary instruction, and at any laboratory under the control of the Department of Scientific and Industrial Research or any other Department of State.

University colleges and schools empowered to carry on certain experimental work.

(2) The amount of uranium and of thorium that may be possessed and used as provided in the *last preceding* subsection shall be one pound each of uranium and of thorium, calculated by metal content, in the case of a school providing secondary instruction, and twenty pounds each of uranium and of thorium, calculated by metal content, in any other case:

Provided that the Minister for Scientific and Industrial Research may from time to time by notice in the *Gazette* increase or reduce the amounts that may be possessed and used as aforesaid.

(3) Notwithstanding anything to the contrary in the foregoing provisions of this Act any constituent college of the University of New Zealand, and any laboratory under the control of the Department of Scientific and Industrial Research or any other Department of State, may import, purchase, construct, have possession and control of, and operate any machine, pile, or apparatus

capable of the production of atomic energy at a rate not exceeding one thousand watts, or at such other rate and under such conditions as may from time to time be fixed by the Minister for Scientific and Industrial Research by notice in the *Gazette*, and may retain and use for experimental purposes the products produced thereby.

Restriction on trading in fissionable substances.

14. No person shall, without the prior written consent of the Minister for Scientific and Industrial Research, export or sell or otherwise dispose of any isotope of uranium, or any plutonium or other substance from which atomic energy may be more readily obtained than from uranium of natural isotope composition, except to the Crown.

Entry on land and premises. 1934, No. 26

15. (1) Without prejudice to the provisions of section four of the Mining Amendment Act, 1934, it is hereby declared that any person authorized either specially or generally by the Minister, and any officer of the Department of Scientific and Industrial Research specially authorized in that behalf by the Permanent Secretary of that Department, may enter on any premises on which any mining operations are carried on or on which the person or officer so authorized has reasonable grounds to suspect that there may be found minerals, concentrates, or other materials which have been mined, extracted, isolated, or concentrated and which contain uranium, for the purpose of ascertaining whether or not there is any uranium on the premises or in any minerals, concentrates, or other materials thereon, and for that purpose the person or officer so authorized as aforesaid may make observations and tests and may extract and remove samples for further testing.

(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding *fifty* pounds or to imprisonment for a term not exceeding *three* months who wilfully obstructs or interferes with any person exercising or attempting to exercise his powers under this section.

Granting of consents, &c.

16. (1) In granting any consent or imposing any requirement under this Act the Minister of Mines or the Minister for Scientific and Industrial Research, as the case may be, may impose such conditions as he thinks fit.

(2) Any consent may, by written notice to the person to whom it was granted, be at any time revoked by the Minister who granted it, and any requirement or condition imposed by a Minister under this Act may
5 from time to time, by written notice to the person affected thereby, be varied, revoked, or added to by the Minister who imposed it.

17. (1) Any notice required to be given to any person for the purposes of this Act may be given by
10 causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application or other document received from him for the purposes of this Act, or to be posted in a letter addressed to him
15 at that place of abode or business or at that address.

(2) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery
20 it shall be sufficient to prove that the letter was properly addressed and posted.

18. Any person who fails to comply with, or contravenes, any provision, prohibition, condition, or requirement contained in or imposed under this Act
25 commits an offence and, where no specific penalty is elsewhere provided, shall be liable on indictment to a fine not exceeding *one thousand* pounds, or to imprisonment for a term not exceeding *five* years, or to both such fine and such imprisonment.

30 19. The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.