

*Hon. H. Watt*

## FUEL AND ENERGY

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### ANALYSIS

Title	9. General Manager of New Zealand Electricity Department
1. Short Title and commencement	10. Appointment of other officers and employees
2. Interpretation	11. Delegation of powers of Minister
	12. Delegation of powers by Commissioner
ADMINISTRATION	13. Advisory and technical committees
3. Minister of Fuel and Energy	14. Assistance to Committees
4. Ministry of Fuel and Energy	15. Transfer of functions
5. Principal functions of Ministry	16. Administration of certain regulations
6. General powers of Ministry	17. Annual report
7. Commissioner of Fuel and Energy	18. Regulations
8. General Manager of State Coal Mines	Schedule

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### A BILL INTITULED

**An Act to establish a Ministry of Fuel and Energy and to define its powers, functions, and duties**

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 and commencement**—(1) This Act may be cited as the Fuel and Energy Act 1970.

(2) This Act shall come into force on a date to be fixed for the commencement thereof by the Governor-General by Order in Council.

No. 33—1

Price 5c

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

“Commissioner” means the Commissioner of Fuel and Energy appointed under this Act:

“Minister” means the Minister of Fuel and Energy: 5

“Ministry” means the Ministry of Fuel and Energy constituted under this Act.

#### ADMINISTRATION

**3. Minister of Fuel and Energy**—(1) The Governor-General may appoint a member of the Executive Council to hold office during his pleasure as the Minister of Fuel and Energy. 10

(2) The Minister shall be charged with the general administration of this Act and shall also be charged with the general duty of securing the effective co-ordinated conservation, supply, and development of coal, electricity, petroleum, natural gas, and other sources of fuel and energy in New Zealand; of promoting economy and efficiency in the supply, distribution, use, and consumption of fuel and energy; and of promoting the discovery, production, and use of minerals within New Zealand. 15 20

**4. Ministry of Fuel and Energy**—(1) There shall be a department of State to be called the Ministry of Fuel and Energy which, under the control of the Minister, shall be charged with the administration of the enactments specified in the Schedule to this Act and with such other functions as may be lawfully conferred on it. 25

(2) There shall be a division of the Ministry to be called the State Coal Mines Division which, under the control of the Commissioner, shall be charged with such functions relating to the administration of State coal mines as may from time to time be delegated to it by the Commissioner. 30

(3) There shall be a division of the Ministry to be called the Electricity Division which under the control of the Commissioner shall be charged with the administration of the New Zealand Electricity Department under the Electricity Act 1968. 35

**5. Principal functions of Ministry—**(1) The principal functions of the Ministry shall, under the control of the Minister, be—

- 5 (a) To promote and encourage the co-ordinated production and the most effective use of coal, electricity, petroleum, natural gas, and other sources of fuel and energy in New Zealand, the co-ordination of the supply and distribution of all such sources of fuel and energy, and the discovery, production, and use of minerals in New Zealand:
- 10 (b) To administer and operate State coal mines:
- (c) To carry out such functions and duties as may be conferred on it by or under this Act and such other functions and duties relating to the purposes of this Act as the Minister may from time to time direct:
- 15 (d) To administer and operate the New Zealand Electricity Department.

(2) In carrying out these functions the Ministry shall be  
20 responsible for the protection of the natural environment to the greatest possible extent.

**6. General powers of Ministry—**(1) The Ministry may exercise all such powers as are reasonably necessary for the effective performance of its functions and duties.

25 (2) Without limiting the general provisions of subsection (1) of this section, it is hereby declared that the Ministry is empowered to—

- 30 (a) Promote and encourage consultation and co-operation between Government departments, local authorities, and private agencies concerned with the production, distribution, and use of fuel and energy:
- (b) Make inquiries, investigations, and surveys for the purpose of obtaining information of use to the Ministry in the exercise of its functions:
- 35 (c) Prepare estimates of the needs of New Zealand with respect to fuel and energy:
- (d) Ascertain the extent to which sources of fuel and energy are available or can be made available in New Zealand:
- 40 (e) Co-ordinate programmes for the production and distribution of coal, electricity, petroleum, natural gas, and other sources of fuel and energy, whether produced in New Zealand or elsewhere:

- (f) Evaluate the long-term financial and other provisions which should be made in respect of Government planning of fuel and energy projects:
- (g) Establish the extent to which the estimated needs of New Zealand in respect of fuel and energy should be satisfied from particular sources of fuel or energy: 5
- (h) Promote the safety, health, welfare, and convenience of persons engaged in or affected by the production, distribution, or use of fuel and energy: 10
- (i) Promote research in respect of the development of fuel technology and the efficient use of fuel and energy.

**7. Commissioner of Fuel and Energy**—There shall from time to time be appointed under the State Services Act 1962 a Commissioner of Fuel and Energy who shall be the administrative head of the Ministry. 15

**8. General Manager of State Coal Mines**—There shall from time to time be appointed under the State Services Act 1962 a General Manager of State Coal Mines who, under the direction of the Commissioner, shall be in charge of the State Coal Mines Division of the Ministry. 20

**9. General Manager of New Zealand Electricity Department**—There shall from time to time be appointed under the Electricity Act 1968 a General Manager of the New Zealand Electricity Department who, under the direction of the Commissioner, shall be in charge of the New Zealand Electricity Department. 25

**10. Appointment of other officers and employees**—There shall from time to time be appointed under the State Services Act 1962 such other officers and employees of the Ministry as may be necessary. 30

**11. Delegation of powers of Minister**—(1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the Commissioner all or any of the powers which are conferred on him as Minister of Fuel and Energy by any enactment, including powers delegated to him under any enactment. 35

**12. Delegation of powers by Commissioner—**(1) The Commissioner may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers of the Ministry as he thinks fit all or any of the powers exercisable by him under any enactment, including any powers delegated to him under any enactment, but not including this present power of delegation:

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10 Provided that the Commissioner shall not delegate any power delegated to him by the Minister without the written consent of the Minister, or any power delegated to him under the State Services Act 1962 without the written consent of the State Services Commission.

(2) Subject to any general or special directions given or conditions attached by the Commissioner, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

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20 (3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting within the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

25 (5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Commissioner.

30 (6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Commissioner by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the person for the time being holding office as Commissioner.

35 **13. Advisory and technical committees—**The Minister may from time to time appoint such advisory or technical committees as he thinks fit to advise him on such matters concerning fuel and energy or any matter relating to the discovery, ownership, production, exploitation, use, and distribution of such fuel and energy.

**14. Assistance to Committees**—The Ministry shall provide any committee with such clerical and other assistance as may, in the opinion of the Minister, be necessary for the purpose of enabling the Committee to exercise its powers and functions.

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**15. Transfer of functions**—(1) All powers, functions, and duties which immediately before the commencement of this Act were vested in or imposed upon the Minister of Mines and the Minister of Electricity shall, on the commencement of this Act, become vested in or imposed upon the Minister of Fuel and Energy.

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(2) All powers, functions, and duties which immediately before the commencement of this Act were vested in or imposed upon the Natural Gas Corporation shall on the commencement of this Act become vested in or imposed upon the Minister of Fuel and Energy.

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(3) All references to the Minister of Mines and the Minister of Electricity in any Act, regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever, shall, unless inconsistent with the context or with the provisions of this Act, be hereafter read as references to the Minister of Fuel and Energy.

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(4) All references to the Natural Gas Corporation in any Act, regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever, shall, unless inconsistent with the context or with the provisions of this Act, be hereafter read as references to the Minister of Fuel and Energy.

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**16. Administration of certain regulations**—(1) The Ministry shall, under the control of the Minister, administer the Gas Supply (Safety) Regulations 1959.

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(2) The regulations referred to in subsection (1) of this section shall continue and have effect and may be amended or revoked as if they had been made under this Act and as if the power to make the said regulations were contained in this Act.

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(3) Nothing in this section shall be construed to limit or affect any provision of the Construction Act 1959 or any power to make regulations under that Act.

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**17. Annual report**—(1) The Commissioner shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on the operations of the Ministry for that year.

5 (2) A copy of the report shall be laid before Parliament within 28 days after it has been furnished to the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within 28 days after the commencement of the next ensuing session.

10 **18. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- 15 (a) Prescribing conditions to be observed for the purpose of ensuring the safety, health, welfare, and convenience of persons engaged in or affected by the discovery, production, distribution, exploitation, or use of sources of fuel and energy:
  - (b) Ensuring the adequate conservation of sources of fuel and energy:
  - 20 (c) Regulating the conditions of supply of fuel or energy within New Zealand in so far as it may be necessary to promote the effective co-ordination of any such supply:
  - (d) Obtaining any information or particulars that may be required for the purpose of the administration of this Act:
  - 25 (e) Prescribing penalties, not exceeding a fine of \$200, for any breach of the regulations:
  - (f) Prescribing forms required for the purposes of this Act:
  - 30 (g) Protecting the natural environment where it is likely to be affected by anything done under this Act:
  - (h) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.
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## SCHEDULE

ENACTMENTS to be administered by the Ministry of Fuel and Energy:

- The Atomic Energy Act 1945.
- The Bauxite Act 1959.
- The Coal Mines Act 1925.
- The Dangerous Goods Act 1957.
- The Explosives Act 1957.
- The Gas Industry Act 1958.
- The Gas Supply Act 1908.
- The Geothermal Energy Act 1953.
- The Mining Act 1926.
- The Motor Spirits (Regulation of Prices) Act 1933.
- The Quarries Act 1944.
- The Petroleum Act 1937.
- The Natural Gas Corporation Act 1967.
- The Electricity Act 1968.