

[AS REPORTED FROM THE LABOUR AND MINING COMMITTEE]

House of Representatives, 27 November 1962

Words struck out by the Labour and Mining Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

Hon. Mr Shand

PETROLEUM AMENDMENT

ANALYSIS

- | | |
|--|--|
| Title
1. Short Title and commencement
2. Refining of crude petroleum
3. New Part II added to principal Act | 66. Amendment or revocation of terms and conditions of authorisation
67. Revocation or suspension of authorisation
68. Powers of owner |
| PART II | |
| PIPELINES | |
| 48. Application of this Part
49. Interpretation | <i>Pipeline Easements</i>
69. Authority to make arrangements and agreements for easements
70. Pipeline easement certificates
71. Registration of easement certificate |
| <i>Pipeline Authorisations</i> | |
| 50. Authority to construct pipeline
51. Application for pipeline authorisation
52. Notice of application
53. Consideration of applications
54. Appointment of Commission of Inquiry
55. Grant or refusal of authorisation
56. Conditions of authorisation
57. The authorisation and its effect
58. Duration of authorisation
59. Use of pipeline by consent
60. Application for permission to use pipeline
61. Use of pipeline by persons other than owner
62. Rights and obligations of owner not to be affected because of use of pipeline by other persons
63. Change in line of pipeline
64. Direction to change line of pipeline in interests of safety
65. Change in line of pipeline pursuant to request | <i>Rights of Entry on Land</i>
72. Entry on land for preliminary investigation
73. Entry on land for purpose of exercising rights in authorisation
74. Duties of owners of pipelines
75. Compensation
76. Taking land for purposes of or incidental to construction or operation of pipeline
77. Right to minerals
78. Prohibition on works likely to damage pipeline |
| <i>Miscellaneous Provisions</i> | |
| | 79. Pipelines to remain property of owner
80. Assignment of authorisation
81. Abandonment of pipeline
82. Application of certain provisions
83. Address for service
84. Offences
85. Regulations |

A BILL INTITULED

An Act to amend the Petroleum Act 1937

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

5

1. Short Title and commencement—(1) This Act may be cited as the Petroleum Amendment Act 1962, and shall be read together with and deemed part of the Petroleum Act 1937 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-three.

10

2. Refining of crude petroleum—Section 13 of the principal Act (as substituted by section 7 of the Petroleum Amendment Act 1955) is hereby amended by inserting, after subsection (4), the following subsections:

15

“(4A) Where a licensee is directed under subsection (1) of this section to refine or cause to be refined in New Zealand any crude petroleum and the licensee does not have any facilities for refining the petroleum in New Zealand, the Minister, on the application of the licensee and after consultation with all interested parties, may direct the owner of any refinery capable of refining the crude petroleum to refine the petroleum on behalf of the licensee on such terms and conditions as may be agreed upon between the licensee and the owner or, failing agreement, as may be determined by arbitration.

20

25

“Provided that no direction shall be given under this subsection unless the Minister is satisfied that the refinery can, without prejudice to its proper and efficient operation for the purpose of refining crude petroleum in the quantities required by the owner of the refinery or any other person lawfully using the refinery, be so operated as to permit the refining therein, on behalf of the licensee, of crude petroleum.

30

“(4B) Any person to whom a direction is given under subsection (4A) of this Act may, unless he accepts the direction, within twenty-eight days after notice of the direction is given to him, refer the matter to arbitration.

35

“(4C) The provisions of section 38A of this Act, as far as they are applicable and with the necessary modifications, shall apply to any arbitration under this section.

40

“(4D) The owner of or any other person lawfully using a refinery may at any time apply to the Minister for a variation in the terms of any direction given under subsection (4A) of

this section and the Minister (*in his discretion and after having regard to all relevant considerations, may make such variation as he considers just and equitable in the circumstances:*)

5

New

may make such variations as may be agreed upon between the owner and all other persons lawfully using the refinery or, failing agreement, as may be determined by arbitration:

10

“Provided that if the Minister is satisfied that additional use of a refinery is required by the owner or other person lawfully using the refinery otherwise than pursuant to a direction under subsection (4A) of this section, he shall, on the application of the owner or any such other person, amend the direction by reducing the extent to which the refinery may be used by any person under the direction by such amount as will enable the applicant to use the refinery to the extent required by him, or the Minister may cancel the direction.”

15

20

3. New Part II added to principal Act—The principal Act is hereby amended by adding, as Part II, the following Part:

“PART II

“PIPELINES

25

“48. **Application of this Part**—(1) Except as otherwise expressly provided in this Part of this Act, nothing in the foregoing provisions of this Act shall apply with respect to any pipeline constructed or intended to be constructed pursuant to a pipeline authorisation.

30

“(2) Nothing in this Part of this Act shall be construed to limit or affect any right or power conferred on any licensee by or under any of the foregoing provisions of this Act.

“49. **Interpretation**—(1) In this Part of this Act, unless the context otherwise requires,—

35

“‘Authorisation’ means a pipeline authorisation under this Part of this Act:

“‘Authorised pipeline’ means a pipeline in the process of construction, or constructed, or operated, pursuant to an authorisation:

“‘Natural gas’ means any gaseous hydrocarbon:

40

“‘Oil’ means petroleum or any other hydrocarbon in liquid form of whatever gravity; but does not include natural gas:

“‘Owner’, in relation to a pipeline, means the holder for the time being of an authorisation issued in respect of the pipeline:

“‘Pipeline’ means a pipeline used or intended to be used for the conveyance of natural gas or oil; and includes all fittings, pumps, tanks, appurtenances, or appliances used in connection with a pipeline; but does not include—

5

“(a) Any pipeline used for the conveyance or reticulation of natural gas or oil wholly within the same plant property:

“(b) Any main owned or operated by a company within the meaning of the Gas Supply Act 1908 in the area in which the company is authorised to supply gas:

10

“(c) Any pipeline owned by a licensee within the meaning of section 2 of this Act and used for the conveyance of natural gas or oil from the well head to a tank or separator or for the collection of natural gas or oil within the area in which it is produced:

15

“(d) Any pipeline not more than ten miles in length not being part of or an extension or branch of an authorised pipeline:

20

“‘Road’ includes a street and a motorway and any other place to which the public have access, whether as of right or not, and also includes all bridges, culverts, and fords forming part of any road, street, or other place as aforesaid.

25

“(2) Except as otherwise provided by this section, terms and expressions defined in section 2 of this Act shall, when used in this Part, have the meanings so defined.

“Pipeline Authorisations

30

“50. **Authority to construct pipeline**—(1) Except so far as may be authorised by or under any licence under this Act held by him, no person shall construct or operate a pipeline otherwise than pursuant to the authority and in conformity with the terms and conditions of a pipeline authorisation granted by the Minister under this Part.

35

“(2) Every person who contrary to the provisions of this section commences to construct, constructs, or operates a pipeline commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds.

40

“51 **Application for pipeline authorisation**—(1) Every application for a pipeline authorisation shall be in the prescribed form and shall be forwarded to the Under-Secretary at Wellington, who shall transmit it to the Minister.

“(2) Every such application shall contain the following particulars:

45

“(a) The size and maximum capacity of the proposed pipeline:

“(b) The proposed location of pumping and compressor stations, terminal facilities, and other permanent appurtenances of a substantial nature intended to be used in connection with the operation of the proposed pipeline:

5

“(c) Such other particulars as may be prescribed by regulations under this Act.

“(3) Every such application shall be accompanied by a plan in the prescribed form showing:

10

“(a) The route proposed for the pipeline:

“(b) The roads, railways, and navigable waters along, over, or under which it is proposed the pipeline shall pass:

15

“(c) Such other particulars as may be prescribed by regulations under this Act.

“(4) Every applicant for a pipeline authorisation shall, on request from the Minister, furnish such other information and plans relating to the pipeline and its construction as the Minister may require for the purpose of considering the application and making a determination in respect thereof.

20

“52. **Notice of application**—(1) The Minister shall on receipt of an application for a pipeline authorisation, direct the applicant to give notice to such persons and in such manner as he considers necessary in the circumstances.

25

“(2) Where an application relates to any land to which section 20 of this Act applies, notice of the application in such form as the Minister may direct shall be given to the appropriate Minister determined in accordance with that section.

30

“53. **Consideration of applications**—(1) The Minister in considering any application for a pipeline authorisation shall take into account all matters, circumstances, and representations which he considers relevant to the subject-matter of the application.

35

“(2) In considering any such application the Minister shall generally have regard to—

“(a) The public interest:

“(b) The financial ability of the applicant to construct, operate, and maintain the proposed pipeline:

40

“(c) Any effect which the construction or operation of the pipeline may have on any land to which section 20 of this Act applies.

“54. **Appointment of Commission of Inquiry**—(1) Before granting any application for a pipeline authorisation the Minister may, in his discretion, refer the application, or such

45

portion of the application as the Minister may direct in that behalf, to a Commission of Inquiry appointed in that behalf by the Governor-General in Council:

“Provided that the Minister shall, on the request of an applicant for a pipeline authorisation, refer the application to a Commission of Inquiry under this section. 5

“(2) The functions of any such Commission of Inquiry shall be to consider any application referred to it and to advise the Minister as to whether or not, in its opinion, he should grant the application. 10

“(3) In the exercise of its functions the Commission of Inquiry may hold such public hearings and make such inquiries and investigations as it thinks necessary or expedient.

“(4) For the purposes of any hearing, inquiry, or investigation under this section any such Commission of Inquiry shall be deemed to be a Commission under the Commissions of Inquiry Act 1908, and the provisions of that Act shall apply accordingly. 15

“(5) Where an application is referred to a Commission of Inquiry on the request of an applicant, the Commission may make an order for the payment of the costs or of any specified portion of the costs of the inquiry by the applicant. 20

“55. **Grant or refusal of authorisation**—After duly considering any application for a pipeline authorisation and after having regard to any recommendation of any Commission of Inquiry to which the application may have been referred, the Minister, whose decision shall be final, may grant or refuse an authorisation. 25

“Provided that the Minister shall not grant any application for a pipeline authorisation relating to land to which section 20 of this Act applies without consultation with the appropriate Minister to whom notice is required to be given under subsection (2) of section 52 of this Act. 30

“56. **Conditions of authorisation**—(1) Every pipeline authorisation shall set out— 35

“(a) The route of the pipeline:

“(b) The size and capacity of the pipeline:

“(c) The extent to which the pipeline may be placed on, over, or under any road, railway, or navigable water: 40

“(d) Such other matters and conditions as may be necessary or desirable in the interests of public safety or otherwise in the public interest or as may be prescribed by regulations under this Act.

“(2) Where pursuant to an authorisation a pipeline conveys natural gas, it shall be a condition of the authorisation that the owner shall not limit or cease, except for a cause beyond the control of the owner, the conveyance of natural
5 gas through the pipeline, as provided by the authorisation, without the consent of the Minister.

“(3) Without limiting the provisions of paragraph (c) of subsection (1) of this section, it shall be a condition of every
10 pipeline authorisation that the owner of the pipeline shall, in the construction and operation of the pipeline, comply with the Forest and Rural Fires Act 1955, the Dangerous Goods Act 1957, and the Explosives Act 1957.

“(4) The provisions of section 6 of the Public Works Amendment Act 1947 and of sections 55 and 56 of the Government
15 Railways Act 1949 shall apply with respect to the construction and operation of an authorised pipeline:

“Provided that the grant of an easement by the Minister of Railways under section 55 of the Government Railways Act 1955 or the grant of a consent by the National Roads
20 Board under section 6 of the Public Works Act 1947 shall not be unreasonably withheld from the owner of an authorised pipeline, and, in the event of a dispute in respect of any such grant between the owner of an authorised pipeline and the Minister of Railways or the National Roads Board, the
25 dispute shall be determined by the Minister and the Minister of Railways or the Minister of Works, as the case may require.

“57. **The authorisation and its effect**—(1) Every pipeline authorisation shall be in such form as may be prescribed in regulations under this Act and shall be signed by the Minister,
30 and, subject to the provisions of this Part of this Act, shall take effect, notwithstanding the provisions of any other enactment, according to its tenor to authorise the owner to carry out such operations as may be authorised by the authorisation or by this Part of this Act during the currency
35 of the authorisation.

(2) Any holder of a pipeline authorisation who fails to comply with any of the terms or conditions of his authorisation commits an offence against this Act.

“58. **Duration of authorisation**—Subject to the provisions
40 of this Act every pipeline authorisation shall remain in force until it is revoked in accordance with this Act.

“59. **Use of pipeline by consent**—(1) Any person other than the owner may use an authorised pipeline with the consent of the owner, and subject to such terms and conditions not

inconsistent with this Part of this Act or the authorisation as may be agreed upon between the owner and that other person.

“(2) The owner shall notify the Minister, in the prescribed form, of any agreement entered into under this section. 5

“60. **Application for permission to use pipeline**—(1) Any person other than the owner may apply to the Minister for the right to use an authorised pipeline.

“(2) Where an application is made to the Minister under subsection (1) of this section, he shall give to the owner of the pipeline and the applicant not less than twenty-one days’ notice of the time at which the question of conferring on the applicant the right sought by him will be considered by the Minister, and the owner and the applicant shall be entitled to be heard when the question is so considered. 10 15

“(3) If after having regard to any representations by the applicant and the owner and to any other matters which he considers relevant, the Minister is satisfied that the pipeline can, without prejudice to the proper and efficient operation thereof for the purpose of conveyance on behalf of the owner or of any other person lawfully using the pipeline, in the quantities required by the owner and any such other person, of the natural gas or oil which it is designed to convey, be so operated as to permit the conveyance thereby on behalf of the applicant of natural gas or of oil, the right to the conveyance of which is sought by the applicant, he shall serve a notice in the prescribed form on the owner. 20 25

“61. **Use of pipeline by persons other than owner**—(1) Any notice referred to in section 60 of this Act served by the Minister may impose such requirements as he thinks necessary or expedient for all or any of the following purposes: 30

“(a) Securing to persons other than the owner of the line the right to have conveyed by the line or, as the case may be, by any length of the line specified in the notice, natural gas or oil: 35

“(b) Regulating the charges to be made for the conveyance by the line or, as the case may be, by that length thereof, on behalf of persons other than the owner, of natural gas or of oil.

“(2) A notice served under subsection (1) of this section on the owner of a pipeline may authorise him to recover, from persons to whom a right is secured by the notice by virtue of paragraph (a) of that subsection, payments of such amounts as may be determined in accordance with provisions in that behalf in the notice. 40 45

“(3) If no agreement can be reached between the owners of a pipeline and any person intending to use the pipeline pursuant to a notice under this section as to the amount of the charges to be paid in respect of the use of the pipeline, the
5 Minister, instead of fixing the charges under paragraph (b) of subsection (1) of this section, may refer the matter to arbitration, and if the Minister does not fix the charges or refer the matter to arbitration as aforesaid, or if any party does not agree with the charges fixed by the Minister, either
10 party may refer the matter to arbitration. Where any matter is referred to arbitration under this subsection, the provisions of section 38A of this Act shall, as far as they are applicable and with the necessary modifications, apply.

“(4) If the owner of a pipeline fails to comply with a re-
15 quirement imposed by a notice served on him under subsection (1) of this section, he commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds.

“(5) The owner of a pipeline may at any time apply to
20 the Minister for a variation of the terms of any such notice and the Minister, in his discretion and after having regard to all relevant considerations, may make such variation as he considers just and equitable in the circumstances:

“Provided that if the Minister is satisfied that additional
25 use of the pipeline or any part of the pipeline is required by the owner or by any person using the pipeline with the consent of the owner under section 59 of this Act, he shall, on the application of the owner or any such other person, amend the notice by reducing the extent to which the pipeline may be
30 used by any person permitted to use the pipeline pursuant to the notice by such amount as will enable the applicant to use the pipeline to the extent required by him, or the Minister may cancel the notice.

“62. **Rights and obligations of owner not to be affected be-**
35 **cause of use of pipeline by other persons**—The rights and obligations conferred or imposed on the owner of an authorised pipeline by his authorisation or under this Part of this Act shall not be affected in any way by reason of the fact that any other person is using or is permitted to use
40 the pipeline pursuant to section 59 or section 60 of this Act except so far as the use of the pipeline by the owner may be limited by the use of the pipeline by that other person:

Provided that nothing in this section shall be construed to impose any liability on the owner in respect of any act or default of any other person using the pipeline as aforesaid.

“63. Change in line of pipeline—(1) No deviation, change, or extension in the line of an authorised pipeline shall be made without the written approval of the Minister. 5

“(2) Where any application is made for an approval under this section, the provisions of this Part relating to applications for pipeline authorisations shall, with the necessary modifications, apply: 10

“Provided that where in the opinion of the Minister the deviation, change, or extension is not of a significant nature, he may dispense with such of the requirements of this Part relating to applications for pipeline authorisations as he thinks fit. 15

“(3) Upon the grant of any approval under this section, the Minister may amend such documents and give such certificates as may be required to give effect to the approval.

“(4) Notwithstanding the provisions of this section, where there is imminent danger to the public or to any authorised pipeline arising from any unusual circumstances, the owner may change the line of the pipeline without an approval under this section: 20

“Provided that if any such change is intended to be permanent, the owner shall, as soon as practicable, notify the Minister and comply with any requirement of the Minister in respect of any such change. 25

“(5) Nothing in this section shall apply to any deviation, change, or extension in the line of a pipeline made pursuant to a direction under section 64 of this Act or to any deviation or change made pursuant to section 65 of this Act. 30

“64. Direction to change line of pipeline in interests of safety—(1) At any time after granting a pipeline authorisation the Minister, after having regard to any representations of the owner and of other interested parties, may, if in his opinion the direction is in the interest of public safety, direct the owner to divert the line of the pipeline or make other alterations to the pipeline in accordance with the terms of the direction. 35

“(2) Any owner who fails to comply with any direction of the Minister under this section in accordance with the terms of the direction commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds. 40

“(3) Where any diversion or alteration directed under this section is necessary because of the construction of any work subsequent to the construction of the pipeline, the owner of the pipeline or any other person lawfully using the pipeline shall be entitled to compensation from the person responsible for the construction of the work in respect of any loss suffered as a result of the direction.

“(4) The amount of compensation payable in any such case shall be determined by arbitration in accordance with section 38A of this Act and the provisions of that section, as far as they are applicable and with the necessary modifications, shall apply accordingly.

“65. **Change in line of pipeline pursuant to request—**

(1) The Minister may from time to time request the owner to change the line of an authorised pipeline.

“(2) In the absence of agreement between the Minister and the owner in respect of any request under subsection (1) of this section, the owner shall, within twenty-eight days after the date of receiving the request, refer the matter to arbitration in accordance with section 38A of this Act, and the provisions of that section shall, as far as they are applicable and with the necessary modifications, apply accordingly.

“(3) In determining any arbitration under this section, the arbitrators shall have regard to the public interest and to all matters and circumstances which they consider relevant, and shall make such decision as they consider just and equitable in the circumstances.

“(4) Any decision of the arbitrators under this section may provide for the payment of compensation by such persons as the arbitrators determine to the owner or any other person lawfully using the pipeline in respect of any loss suffered by him as a result of the decision.

“66. **Amendment or revocation of terms and conditions of authorisation—**(1) The Minister during the currency of a pipeline authorisation may, on the application of the owner, amend or revoke any of the terms or conditions of the authorisation or add any new terms and conditions, if in the opinion of the Minister, any such amendment, revocation, or addition is not contrary to the public interest.

“(2) The Minister shall give to every person who in the opinion of the Minister is likely to be affected, seven days' notice of his intention to exercise any power conferred by this section.

“(3) Every such amendment, revocation, or addition made pursuant to this section shall be noted on the appropriate authorisation.

“67. **Revocation or suspension of authorisation**—(1) The Minister, if he is of the opinion that the owner of a pipeline has not complied with the terms and conditions of his authorisation or with any provision of this Part of this Act or of regulations under this Part, may give the owner written notice specifying the nature of the default and requiring him to remedy the default within the time specified in the notice.

“(2) On receipt of a notice under subsection (1) of this section the owner shall either—

“(a) Remedy the default within the time limited in the notice; or

“(b) Refer the matter to arbitration under section 38A of this Act within twenty-eight days after receiving the notice, in which case the provisions of subsections (1) and (2) of that section shall, as far as they are applicable and with the necessary modifications, apply.

“(3) The arbitrators in any arbitration under this section shall, after having regard to any evidence and representations which they consider relevant, advise the Minister—

“(a) Whether or not a default has been committed as alleged in the notice; and if so

“(b) Whether or not the authorisation should be suspended or revoked.

“(4) The Minister, after having regard to any recommendation of any arbitrators appointed pursuant to this section, may revoke the authorisation or suspend it for a stated period or until he is satisfied that the default has been remedied or he may decide to take no further action in the matter:

“Provided that no suspension or revocation of an authorisation shall be made contrary to a recommendation of the arbitrators.

“(5) Any suspension of a pipeline authorisation may be subject to such terms and conditions as the Minister thinks fit.

“(6) The Minister may revoke a pipeline authorisation on the application of the owner.

“(7) Every revocation or suspension of a pipeline authorisation shall be noted on the authorisation.

“(8) If any person unlawfully uses any pipeline for the conveyance of natural gas or oil during any period when the authorisation issued in respect of the pipeline is suspended or revoked, he commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds.

“68. **Powers of owner**—Notwithstanding the provisions of any Act, regulation, bylaw, certificate of title, or other authority, any pipeline authorisation issued under this Part of this Act shall, subject to the provisions of this Part of this Act and of the authorisation, confer on the owner, while the authorisation remains in force an absolute right—

“(a) To construct and lay pipelines, on, over, or under any land referred to in the authorisation:

“(b) To construct and lay pipelines along, on, over, or under any road, railway, tramway, bridge navigable waters, river, or stream referred to in the authorisation:

“(c) To alter, remove, repair, operate, inspect, renew, and maintain any pipeline constructed under the authority of the authorisation:

“(d) To do such other things as are necessarily incidental to the exercise of the powers and authorities of the owner under this Part of this Act.

“Pipeline Easements

“69. **Authority to make arrangements and agreements for easements**—(1) For the purpose of exercising his powers and functions under this Part of this Act, the owner of an authorised pipeline may—

“(a) Make such arrangements and enter into such contracts, not inconsistent with this Part or with the authorisation, as he considers necessary:

“(b) Agree with the owner of any estate or interest in any land for the purchase or other acquisition of any right, interest, or easement in or upon the land, and the terms upon which any such right or interest may be used or exercised or any such easement enjoyed.

“(2) Notwithstanding any enactment or rule of law to the contrary any company, body, or authority shall have full power to enter into and carry out any arrangement, contract, or agreement referred to in subsection (1) of this section.

“70. **Pipeline easement certificates**—(1) If the Minister is satisfied that the owner of a pipeline, after making reasonable attempts to do so, has been unable to reach an agreement under section 69 of this Act to purchase or acquire an easement (capable of registration against the title to) in respect of the land affected, the Minister shall, on the application of the owner of the pipeline, issue to the owner a pipeline easement certificate in the prescribed form under the hand of the Minister specifying, with respect to the land to which the certificate relates,—

“(a) The land on, over, or through which the pipeline is authorised to pass:

“(b) Such matters as may be prescribed by regulations under this Act.

“(2) Every such certificate shall be accompanied by a diagram showing the actual line of the pipeline on the land to which the certificate relates.

“(3) Every such certificate shall apply to land extending for such distance on either side of the line of the pipeline as may be prescribed in the certificate.

“(4) Every such certificate shall be prepared at the cost of the owner of the pipeline and shall be authenticated in such manner as the Minister may require.

“(5) A copy of every such certificate shall be forwarded by the Minister to the owner and occupier of any land to which the certificate relates.

New

“(6) The effect of every pipeline easement certificate shall be to give the owner of the pipeline a right of entry on the land to which the certificate relates for the purpose of exercising the rights conferred on him by this Part of this Act and by his authorisation.

“71. **Registration of easement certificate**—(1) Any pipeline easement certificate issued by the Minister under section 70 of this Act shall upon presentation by or on behalf of the owner of the pipeline for registration be registered by the District Land Registrar or the Registrar of Deeds against the title to all land indicated in the certificate as affected thereby; and shall be so registered without production of the duplicate certificate of title or other document of title relating to the land if the owner of the pipeline is unable to produce the same.

“(2) Any such easement certificate may be registered as aforesaid notwithstanding that Her Majesty the Queen is the registered proprietor of any land indicated in the certificate as affected thereby.

“(3) Any such easement certificate may from time to time, with the consent of the owner of the pipeline, be varied, or may be cancelled in respect of all or any of the land indicated in the certificate as affected thereby by the issue by the
 5 Minister of a further similar certificate specifying the manner in which the easement certificate is to be varied or the extent to which the certificate is to be cancelled.

“(4) Any certificate to which subsection (3) of this section relates shall, upon presentation for registration, be registered
 10 by the Registrar as if it were a pipeline easement certificate.

“(5) Notwithstanding any enactment or rule of law to the contrary, any pipeline easement certificate registered under this section shall be deemed to be binding on any prior or subsequent mortgagee of any of the land or of any interest in
 15 any of the land affected by the certificate, and no consent under the Municipal Corporations Act 1954 or otherwise shall be necessary to the issue or registration thereof.

“(6) Any person in possession of the certificate of title or other document of title to land affected by any certificate
 20 issued under this section shall, upon receiving notice from the Registrar in that behalf, deliver up to him that certificate of title or other document for the entering thereon of an appropriate memorial; and every person who refuses or neglects so to deliver up any such instrument commits an
 25 offence against this Act and shall be liable on summary conviction to a fine not exceeding fifty pounds.

“(7) The Registrar shall not be concerned to inquire as to the truth of any statement contained in any certificate presented for registration under this section, and no action shall
 30 lie against the Crown or the Registrar or any other person on behalf of the Crown in respect of any such registration.

“(8) No person shall have any claim against the Crown under Part XI of the Land Transfer Act 1952 by reason of any omission, mistake, or misfeasance of any person other than
 35 the Registrar or his officers or clerks in relation to the registration of a certificate under this section.

“Rights of Entry on Land

“72. **Entry on land for preliminary investigation**—(1) Any person authorised in writing either specially or generally by
 40 the Minister in that behalf may from time to time during the daytime enter upon any land within an area referred to in the authority, with such assistants and such equipment and materials as he thinks fit for the purpose of making surveys and preliminary investigations in respect of the con-
 45 struction of a pipeline.

“(2) Any person authorised as aforesaid may do all things which he considers necessary for the purpose of the survey and investigation including the drilling or digging of holes and the affixing and setting up of such pegs, marks, or poles as may be required. 5

“(3) Before entry on any land is made for the purposes of this section, any person authorised in that behalf by or pursuant to this section, shall, if practicable, give reasonable notice to the owner or occupier of the land of his intention to enter thereon, and shall, if required by the owner or occupier of the land 10 produce the authority under which he claims to enter or has entered on the land.

“(4) Before entering on any National Park under the National Parks Act 1952 or any public reserve under the Reserves and Domains Act 1953 or any State forest land 15 under the Forests Act 1949 or any railway land under the Government Railways Act 1949 for the purposes of this section, any person authorised as aforesaid to enter the land shall give notice to the Minister of Lands or the Minister of Forests or the Minister of Railways, as the case may require, 20 of his intention to do so.

“(5) Any damage to the land caused by any such person shall be repaired as soon as practicable and the land restored as far as possible to its former condition.

“(6) Every person commits an offence and shall be liable 25 on summary conviction to a fine not exceeding fifty pounds who—

“(a) Without lawful authority removes, destroys, or alters any peg, mark, pole, or other thing used for the purpose of any survey or investigation made or in 30 the course of being made under this section; or

“(b) Wilfully damages or destroys or otherwise interferes with any peg, mark, pole, or other thing as aforesaid; or

“(c) Wilfully obstructs or interferes with any person 35 lawfully engaged in connection with any survey or investigation under this section.

“(7) Every person having any estate or interest in land entered upon under the authority of this section and injuriously affected or suffering any damage thereby shall be 40 entitled to full compensation, the amount of the compensation to be as agreed upon between the person making the entry and the person claiming compensation or, failing agreement, to be determined by a Magistrate.

“73. **Entry on land for purpose of exercising rights in authorisation**—(1) For the purpose of exercising any right conferred on him by his authorisation or by this Part of this Act, the owner of the pipeline to which the authorisation
5 relates may enter upon such land as may be necessary for the exercise of any such right with right of access to and egress from any such land with his servants, workmen, and agents, from time to time and at all times, with or without any suitable or available means of conveyance, and with all such
10 equipment, articles, and materials as may be necessary for the carrying out of any works authorised by the authorisation or authorised by this Part of this Act to be carried out by the owner; and may also deposit and store from time to time upon any land adjoining any such works all such machinery and
15 material of any kind as may be used in carrying out any such works.

“(2) Before any entry under this section is made on any land on which a pipeline is to be constructed the owner of the pipeline shall either enter into an agreement under
20 paragraph (b) of subsection (1) of section 69 of this Act, or obtain a pipeline easement certificate under section 70 of this Act, in respect of the land.

“(3) Before entry under this section is made on any land to which subsection (2) of this section does not apply the
25 owner of the pipeline shall, if practicable, give reasonable notice to the owner or occupier of the land, and to any local authority having the control or management of the land, of his intention to enter thereon.

“74. **Duties of owners of pipelines**—Where it is found
30 necessary in the exercise of the powers conferred on owners of pipelines under this Part of this Act to alter or interfere with any road, railway, tramway, public work, watercourse, sewer, drain, or gas or water pipe, under the control of the Crown or any authority having control of the work by virtue
35 of any enactment, the alteration or interference shall be made in such manner as to interfere as little as possible with the work so altered, and so as to afford to the public and to every person entitled to use the same an equal use and convenience as before the alteration or interference.

40 “75. **Compensation**—(1) Subject to subsection (7) of section 72 of this Act, every person having any right, title, estate, or interest in any land or property injuriously affected by the exercise from time to time of any powers conferred by

this Part of this Act or by any authorisation shall be entitled to full compensation for all loss, injury, or damage suffered by him.

“(2) The provisions of subsections (2) and (3) of section 29 of this Act shall, as far as they are applicable and with the necessary modifications, apply to claims for compensation under this section. 5

“(3) This section shall apply to claims on behalf of the Crown, as well as to claims by or on behalf of other persons.

“(4) Notwithstanding the provisions of any enactment or rule of law, the exercise of any power conferred on the owner of an authorised pipeline shall not be curtailed, suspended, or delayed by reason of the fact that any claim for compensation under this section has been made but not determined. 10

“76. **Taking land for purposes of or incidental to construction or operation of pipeline**—(1) For the purpose of carrying out any function authorised by a pipeline authorisation or any other function necessary for the efficient operation of the pipeline or necessarily incidental to the operation of the pipeline, the Governor-General may, on the application of the owner of the pipeline and at his expense in all things, take under the Public Works Act 1928, as if for a public work within the meaning of that Act, any land or any particular estate or interest in any land (whether for the time being subsisting separately or not) or any easement or *profit à prendre* over any land (whether for the time being subsisting or not): 15 20 25

“Provided that this subsection shall not apply unless the Minister is satisfied that the owner of the pipeline is not able to purchase or otherwise acquire the land or interest in land at a reasonable price from the owner thereof and the Minister recommends the Governor-General accordingly. 30

“(2) The provisions of subsection (2) of section 26 of this Act shall, with the necessary modifications, apply to the taking of any land or interest in land under this section in all respects as if the owner of the pipeline were a licensee referred to under the said section 26. 35

“77. **Right to minerals**—Nothing in this Part of this Act shall be construed to confer on any person any rights to any minerals on or under any land in respect of which he has any rights by virtue of any power conferred on him under or pursuant to this Part. 40

“78. Prohibition on works likely to damage pipeline—

(1) Subject to the provisions of this Part of this Act, no person shall plant any tree or shrub, erect any building or construction, dig or break up any land, or carry out
5 any works likely to damage any pipeline.

“(2) If any person wilfully contravenes any provision of this section he commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

10 *“Miscellaneous Provisions*

“79. Pipelines to remain property of owner—(1) Notwithstanding the provisions of any enactment or rule of law to the contrary, any pipeline constructed under the authority of this Part of this Act shall remain the property of the owner
15 whether or not the pipeline is affixed to any land and whether or not the pipeline authorisation granted in respect of the pipeline has been suspended or revoked.

“(2) The owner of a pipeline in respect of which an authorisation has been revoked may remove the pipeline and,
20 if directed by the Minister, shall do so in accordance with such terms and conditions as may be contained in the direction.

“(3) The owner shall have such rights of entry on land as may be necessary for the purposes of any such removal
25 and of complying with the directions of the Minister.

“(4) Any person entering on land under this section shall, on the completion of the removal of the pipeline, restore the land, as far as practicable, to its former condition.

“80. Assignment of authorisation—No pipeline authorisation shall be transferred or assigned to any person without the
30 consent in writing of the Minister.

“81. Abandonment of pipeline—If an owner abandons the use of a pipeline or of any length of a pipeline, he shall give notice to that effect to the Minister.

35 **“82. Application of certain provisions—**The provisions of sections 33 to 36 of this Act shall, with the necessary modifications, apply with respect to authorised pipelines.

“83. Address for service—Every owner of an authorised pipeline shall forward to the Minister an address for service
40 of any notice, order, or direction under this Part of this Act.

“84. Offences—(1) Every person who wilfully damages any pipeline commits an offence against this Act.

“(2) Every person who wilfully obstructs any person in the exercise of any power or the performance of any duty under this Part of this Act commits an offence against this Act.

“(3) The provisions of section 40 of this Act shall apply to any offence under this Part of this Act. 5

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

“(a) Providing for the inspection of pipelines and for the cost of any such inspection: 10

“(b) Providing for the giving of security by owners of pipelines for the payment of compensation for injury caused by their operation:

“(c) Providing for safety measures to be taken in respect of the construction, repair, operation, or maintenance of pipelines: 15

“(d) Providing for the marking of the location of pipelines:

“(e) Prescribing conditions to be observed by owners of pipelines in respect of the restoration and repair of land on which a pipeline is situated: 20

“(f) Prescribing standards to be observed in respect of the construction of and the materials to be used in the construction of authorised pipelines: 25

“(g) Protecting any authorised pipeline from damage or injury:

“(h) Prescribing the rights of persons having any estate or interest in land in respect of which a pipeline easement under this Part of this Act has been registered: 30

“(i) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act and for the due administration thereof.” 35