

[AS REPORTED FROM THE GOLDFIELDS AND MINES  
COMMITTEE.]

House of Representatives, 2nd December, 1937.

Hon. Mr. Webb.

PETROLEUM.

ANALYSIS.

- |  |   |
|--|---|
| <p>Title.</p> <ol style="list-style-type: none"><li>1. Short Title and commencement.</li><li>2. Interpretation.</li><li>3. Petroleum declared to be property of the Crown.</li><li>4. Prohibiting prospecting or mining for petroleum save pursuant to this Act.</li></ol> <p style="text-align: center;"><i>Prospecting Licenses.</i></p> <ol style="list-style-type: none"><li>5. Minister may grant prospecting licenses.</li><li>6. Deposit on prospecting license.</li><li>7. Annual fee for prospecting license.</li><li>8. Licensee obliged to carry on prospecting operations.</li></ol> <p style="text-align: center;"><i>Mining Licenses.</i></p> <ol style="list-style-type: none"><li>9. Mining licenses may be granted by Minister.</li><li>10. Deposit on mining license.</li><li>11. Annual fee for mining license.</li></ol> <p style="text-align: center;"><i>Royalties.</i></p> <ol style="list-style-type: none"><li>12. Royalties payable on crude petroleum won by licensees.</li></ol> <p style="text-align: center;"><i>Petroleum to be refined and consumed in New Zealand.</i></p> <ol style="list-style-type: none"><li>13. Licensees to refine petroleum and sell for consumption in New Zealand.</li></ol> <p style="text-align: center;"><i>Licenses generally.</i></p> <ol style="list-style-type: none"><li>14. Extension of area comprised in license.</li><li>15. Assignment of licenses.</li><li>16. Surrender of licenses.</li><li>17. Revocation of licenses.</li><li>18. Registers of licenses.</li></ol> | <p style="text-align: center;"><i>Right of Entry on Land.</i></p> <ol style="list-style-type: none"><li>19. Right of entry on land.</li><li>20. Public reserves, &amp;c., not to be entered on without consent of appropriate Minister.</li><li>21. Certain other lands not to be entered on without consent of owners and occupiers.</li><li>22. Coal-mining rights and mining privileges not to be entered on without consent of holders.</li><li>23. Compensation to be paid or secured before any land is entered upon.</li><li>24. Notice of entry to be given to occupiers.</li><li>25. Removal of buildings and chattels by licensees.</li></ol> <p style="text-align: center;"><i>Taking of Land.</i></p> <ol style="list-style-type: none"><li>26. Land required by licensee for mining operations may be taken under Public Works Act.</li></ol> <p style="text-align: center;"><i>Rights of the Crown.</i></p> <ol style="list-style-type: none"><li>27. Compulsory requisition of petroleum and products and petroleum-works by Governor-General.</li><li>28. Minister may carry on mining operations and deal in petroleum.</li><li>29. Licenses may be acquired by Under-Secretary.</li></ol> <p style="text-align: center;"><i>Compensation.</i></p> <ol style="list-style-type: none"><li>30. Persons injuriously affected by operations under this Act entitled to compensation.</li></ol> |
|--|---|

<i>Miscellaneous.</i>	<i>Regulations.</i>
31. Maori Land Board to represent Native owners and occupiers of Native land if requested.	42. Regulations.
32. Geological records to be kept by licensees.	<i>Coal-mines Act and Mining Act.</i>
33. Unit development.	43. Effect of this Act on coal-mining rights and mining privileges.
34. Inspectors.	44. Mining Act not to apply to petroleum-mining, except as regards water-race licenses and geological and geophysical surveys.
35. Notice of accidents involving loss of life or serious injury.	
36. Obstruction of officers.	<i>Repeal and Savings.</i>
37. Service of notices.	45. Repeal.
38. Application of deposits.	46. Saving of existing warrants, licenses, &c., under Mining Act.
39. Recovery of fees and other moneys.	47. Preference for applications by persons claiming other prospecting or mining rights.
40. General penalty for offences.	Schedule.
41. Proceedings of Minister not to be questioned for want of form, or appealed against.	

### A BILL INTITULED

Title.	AN ACT to make Better Provision for the Encouragement and Regulation of Mining for Petroleum, and to provide for Matters incidental thereto.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title and commencement.	1. This Act may be cited as the Petroleum Act, 1937, and shall come into force on the <i>first</i> day of <i>January</i> , nineteen hundred and thirty-eight.	10
Interpretation.	2. In this Act, unless the context otherwise requires,—	
	“Casinghead spirit” means any liquid hydrocarbons obtained from natural gas by separation or by any chemical or physical process:	15
	“Inspector” means an Inspector appointed under this Act:	
	“Land” includes Native land, and also includes land below the sea or below any other water:	20
	“License” means a prospecting license or a mining license granted under this Act:	
	“Licensee” means the holder of a license:	
	“Mining license” means a petroleum-mining license granted under this Act:	25

*Struck out.*

5 “Mining operations” means mining for petroleum, and includes prospecting; and also includes the extraction, production, handling, rectification, refining, improvement, treatment, storage, and conveyance of petroleum and of any products of petroleum, and the construction, maintenance, and operation of petroleum-works:

10 *New.*

“Mining operations” means mining for petroleum, and includes prospecting for petroleum; and also includes—

15 (a) The extraction, production, rectification, refining, improvement, and storage of petroleum produced in New Zealand and of any products of any such petroleum; and

20 (b) The construction, maintenance, and operation of any works, wells, buildings, machinery, plant, wireless apparatus, telephonic equipment, railways, tramways, reservoirs, waterways, structures, appliances, or chattels used or intended to be used in connection with any of the operations hereinbefore mentioned:

25 “Minister” means the Minister of Mines:

30 “Native” and “Native land” have the same meanings respectively as in the Native Land Act, 1931:

See Reprint of Statutes, Vol. VI, p. 103

“Occupier”, in relation to any land, means a person in actual occupation of the land or of any part thereof either as the owner of the fee-simple thereof or under any lawful title granted by or derived from the owner:

35 “Petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal, helium, or bituminous shales, or other stratified deposits from which oil can be extracted by destructive distillation:

40

*Struck out.*

“ Petroleum-works ” means any wells, workings, refineries, pipe-lines, tramways, tanks, power-stations, factories, buildings, machinery, plant, appliances, and chattels used or intended to be used in connection with prospecting or mining for petroleum or in connection with the extraction, production, handling, rectification, refining, improvement, treatment, storage, or conveyance of petroleum or of any products of petroleum: 5 10

“ Prospecting license ” means a petroleum prospecting license granted under this Act:

“ Under-Secretary ” means the person for the time being holding the office of Under-Secretary of the Mines Department. 15

Petroleum declared to be property of the Crown.

3. (1) Notwithstanding anything to the contrary in any Act or in any Crown grant, certificate of title, lease, or other instrument of title, all petroleum 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. 20

(2) All alienations of land from the Crown made after the commencement of this Act, whether by way of sale or lease or otherwise, shall be deemed to be made subject to the reservation of all petroleum existing in its natural condition on or below the surface of the land, and subject to the provisions of this Act. 25

Prohibiting prospecting or mining for petroleum save pursuant to this Act.

4. (1) Subject to the provisions of this Act, no person shall after the commencement of this Act prospect or mine for petroleum except in pursuance of a prospecting license or of a mining license issued under this Act. 30

(2) This section shall bind the Crown. 35

*Prospecting Licenses.*

Minister may grant prospecting licenses.

5. (1) Subject to the provisions of this Act and of any regulations made under this Act, the Minister may from time to time, on application in that behalf, grant to any person a petroleum-prospecting license, authorizing the licensee to prospect for petroleum on any land specified in the license. 40

*New.*

5 Where application under this subsection is made by any applicant in respect of two or more separate areas a separate application shall be made in respect of each area, but a license may be granted to any applicant, in accordance with the *next succeeding* subsection, over any two or more of the said areas.

10 (2) A prospecting license may be granted in respect of any ~~piece of~~ land in New Zealand not exceeding two hundred square miles in area, being the whole or such portion as the Minister thinks fit of the land specified in the application for the license.

15 (3) Subject to the provisions of this Act and of any regulations made under this Act, a prospecting license shall during its currency confer on the licensee the exclusive right to prospect for petroleum on the land comprised in the license, and the right for that purpose to carry on mining operations, and such other rights, not inconsistent with this Act, or with any regulations made under this Act, as may be necessary for the effective carrying-on of prospecting operations. The rights of the licensee shall be so exercised as to interfere as little as possible with the occupation and use of the land by any other person having a right to occupy or use it.

*New.*

30 Nothing in this section, or in any license granted thereunder, shall be construed to exempt the holder of any license from the obligation to comply with the requirements of any other Act or regulations that may affect or apply to any operations carried on under the license.

35 (4) Every prospecting license shall be granted for a period of five years, and upon or subject to such conditions as may be prescribed by this Act or by regulations made under this Act. The Minister may in granting any prospecting license impose such other conditions as in the circumstances of the particular case he thinks fit. Without limiting the foregoing provisions of this subsection every prospecting license shall be deemed to be granted subject to the condition that the licensee shall duly comply with the provisions of this Act and of any amendments thereof and of all regulations made under this Act from time to time in force, whether the amendments or regulations are made before or after the grant of the license.

(5) The grant of a prospecting license shall in every case be in the absolute discretion of the Minister. In considering an application for a license the Minister shall take into account such matters as may be prescribed by regulations or as the Minister thinks proper, including in particular any expenditure incurred by the applicant or by any person supporting the application in searching or prospecting for petroleum in New Zealand before the date of the application. 5

*New.* 10

(5A) The holder of a prospecting license shall not, by virtue thereof, have any proprietary or other rights in respect of any natural gas derived from the land comprised in his license otherwise than in consequence of his mining operations thereon. 15

(6) Any number of prospecting licenses may be granted to the same person.

Deposit on  
prospecting  
license.

6. (1) A prospecting license shall not be issued to any person until he has deposited with the Under-Secretary, as security for compliance with the conditions of the license, the sum of *one thousand* pounds: 20

*New.*

Provided that if any applicant for a prospecting license has, in respect of other prospecting licenses or mining licenses under this Act, deposited amounts not less in the aggregate than five thousand pounds, and has maintained such deposits, the Minister may authorize the acceptance by the Under-Secretary of a guarantee or other security for the sum of one thousand pounds, in lieu of a deposit in accordance with the foregoing provisions of this section. 25 30

(2) Any moneys received by or on behalf of the Crown in terms of any such security shall be treated as a deposit on account of the license in respect of which the security was given. 35

Annual fee  
for prospecting  
license.

7. During the currency of a prospecting license there shall be payable in respect thereof an annual fee computed at the rate of *five* shillings per annum for every square mile or part of a square mile of land comprised in the license. The fee shall be payable by the licensee to the Under-Secretary, or to some person authorized by him to receive payment thereof, half-yearly in advance on the first day of January and the first day of July in each year. The fee for the period (if any) between the commencement of the term of the license and the due date of the first half-yearly payment shall be payable in advance on the issue of the license. 40 45

8. (1) Within three months after the grant of a prospecting license the licensee shall commence to make a geological, geophysical, or other investigation for mining purposes of the land comprised in the license, and he shall continue the investigation with reasonable diligence throughout the currency of the license:

Licensee obliged to carry on prospecting operations.

Provided that the obligations imposed by this subsection shall be deemed to be suspended whenever the licensee is drilling at least one well on the land with reasonable diligence.

(2) Within ~~two~~ three years after the grant of a prospecting license, or within such extended period as may be allowed by the Minister under the *next succeeding* subsection, the licensee shall install upon the land comprised in the license an adequate drilling outfit and shall commence drilling on that land at least one well, and shall continue the drilling of each well commenced, with reasonable diligence, until the well is productive or is proved to the satisfaction of the Minister to be unsuccessful. The licensee shall thereafter during the currency of the license drill and continue drilling with reasonable diligence on the said land at least one well at a time until the well is productive or is proved to the satisfaction of the Minister to be unsuccessful.

(3) Where the Minister is satisfied that the licensee is making an investigation of the land comprised in the license in accordance with subsection *one* of this section and is drilling with reasonable diligence at least one well on the land comprised in some other prospecting license held by the licensee, the Minister

*Struck out.*

may from time to time, in his discretion, on the application of the licensee, extend for such period as he thinks fit the time prescribed by subsection *two* of this section for the installation of a drilling outfit and the commencement of drilling on the land comprised in the license. Every extension under this subsection shall be valid only so long as the licensee continues the investigation as aforesaid of the land comprised in the license and the drilling with reasonable diligence of at least one well on the land comprised in some other prospecting license as aforesaid.

*New.*

on the application of the licensee, shall extend for such period as he thinks fit the time prescribed by the *last preceding* subsection for the installation of a drilling outfit and the commencement of drilling on the land comprised in the first-mentioned license in any case where the drilling outfit already installed is situated within one hundred miles of any part of the land comprised in the license to which the application for extension relates, and in any other case the Minister, in his discretion, may extend such time. 5 10

(4) Any extension under the *last preceding* subsection may be at any time revoked by the Minister if the licensee fails to continue the operations in consideration of which the extension was granted. 15

*Mining Licenses.*

Mining licenses  
may be granted  
by Minister.

9. (1) Subject to the provisions of this Act and of any regulations made under this Act, the Minister may from time to time, on application in that behalf, grant to any person a petroleum-mining license, authorizing the licensee to mine for petroleum on any land specified in the license. 20

*New.*

Where application under this subsection is made by any applicant in respect of two or more separate areas a separate application shall be made in respect of each area, but a license may be granted to any applicant, in accordance with subsection *three* hereof, over any two or more of the said areas. 25

(1A) During the term of any license granted under this section the licensee shall diligently and continuously carry on operations in a workmanlike manner so that the area comprised in the license will be developed in accordance with recognized good oil-field practice. 30

*Struck out.*

(2) Every application made during the currency of a prospecting license by the licensee thereunder for a mining license over the whole or any part of the land comprised in the prospecting license shall, if the licensee has complied with the conditions of the prospecting license, be given preference over all other applications in respect of that land. 35 40



*New.*

(2) Subject to the provisions of subsection *three* hereof as to the area that may be comprised in a mining license, any licensee under a prospecting license who has  
5 substantially complied with the conditions of his license shall have the right, at any time during the currency of that license to surrender the same, as to the whole or any part of the land comprised therein, and, on  
10 compliance with the requirements of this Act as to the grant of mining licenses, to receive in exchange therefor one or more mining licenses over the land or any part of the land comprised in his prospecting license.

(2A) Where a prospecting license is in force in respect of any land no mining license shall be granted  
15 over that land to any person other than the licensee under the prospecting license except with the consent in writing of that licensee.

(3) A mining license may be granted in respect of any ~~piece~~ of land in New Zealand not exceeding one  
20 hundred square miles in area, being the whole or such portion as the Minister thinks fit of the land specified in the application for the license.

(4) Subject to the provisions of this Act and of any regulations made under this Act, a mining license shall  
25 during its currency confer on the licensee the exclusive right to mine for petroleum on the land comprised in the license, and the right for that purpose to carry on mining operations, and such other rights, not inconsistent with this Act or with any regulations made under this  
30 Act, as may be necessary for the effective carrying-on of mining operations. The rights of the licensee shall be so exercised as to interfere as little as possible with the occupation and use of the land by any other person having a right to occupy or use it.

*New.*

35 Nothing in this section or in any license granted thereunder shall be construed to exempt the holder of any license from the obligation to comply with the requirements of any other  
40 Act or regulations that may affect or apply to any operations carried on under the license.

(5) Every mining license shall be granted for a period to be specified therein, being not more than forty-two years.

*Struck out.*

A mining license may be renewed by the Minister from time to time, but so that the term of the original license and of the renewals thereof shall not exceed in the aggregate sixty-three years.

5

*New.*

On application made by the licensee not earlier than twelve months and not later than three months before the expiry of the term of his license, a licensee who has substantially complied with the conditions of his license shall be entitled to a renewal thereof for a term to be specified by the licensee in the application for renewal:

Provided that the aggregate of the term of the original license and of any renewal or renewals thereof shall not exceed sixty-three years.

(6) Every mining license shall be granted upon or subject to such conditions as may be prescribed by this Act or by regulations made under this Act. The Minister may, in granting any mining license, impose such other conditions as in the circumstances of the particular case he thinks fit. Without limiting the foregoing provisions of this subsection every mining license shall be deemed to be granted subject to the condition that the licensee shall duly comply with the provisions of this Act and of any amendments thereof and of all regulations made under this Act from time to time in force, whether the amendments or regulations are made before or after the grant of the license.

*New.*

(6A) The holder of a mining license shall not, by virtue thereof, have any proprietary or other rights in respect of any natural gas derived from the land comprised in his license otherwise than in consequence of his mining operations thereon.

(7) *Except as otherwise provided in the foregoing provisions of this section*, the grant of a mining license ~~or of a renewal of a license~~ shall in every case be in the absolute discretion of the Minister. In considering an application for a mining license ~~or for a renewal of a license~~ the Minister shall take into account such matters as may be prescribed by regulations or as the Minister thinks proper, including in particular any expenditure incurred by the applicant or by any person

supporting the application in searching or prospecting for petroleum in New Zealand before the date of the application.

5 (8) Any number of mining licenses may be granted to the same person.

10 10. (1) A mining license shall not be issued to any person until he has deposited with the Under-Secretary, as security for compliance with the conditions of the license, a sum computed at the rate of twenty pounds for every square mile or part of a square mile of land comprised in the license, but not being less in any case than two hundred and fifty pounds:

*New.*

15 Provided that if any applicant for a mining license has, in respect of other mining licenses or prospecting licenses under this Act, deposited amounts not less in the aggregate than five thousand pounds, and has maintained such deposits, the Minister may authorize the acceptance by the Under-Secretary of a guarantee or other security for the sum computed as aforesaid in lieu of a deposit in accordance with the foregoing provisions of this section.

20 (2) Any moneys received by or on behalf of the Crown in terms of any such security shall be treated as a deposit on account of the license in respect of which the security was given.

25 11. During the currency of a mining license there shall be payable in respect thereof an annual fee computed at the rate of ten pounds for every square mile or part of a square mile of land comprised in the license. The fee shall be payable by the licensee to the Under-Secretary, or to some person authorized by him to receive payment thereof, half-yearly in advance on the first day of January and the first day of July in each year. The fee for the period (if any) between the commencement of the term of the license and the due date of the first half-yearly payment shall be payable in advance on the issue of the license.

*Royalties.*

40 12. (1) Subject to the provisions of this section, the licensee under a mining license or a prospecting license shall pay to the Crown a royalty computed at the rate specified in the license on the selling value of all crude petroleum, casinghead spirit, and natural gas that is produced from the land comprised in the license.

Deposit on mining license.

Annual fee for mining license.

Royalties payable on crude petroleum won by licensees.

*Struck out.*

(2) No royalty shall be payable in respect of any crude petroleum, casinghead spirit, or natural gas that is used by the licensee in providing power for mining operations on the land comprised in the license or is unavoidably lost.

5

*New.*

(2) No royalty shall be paid in respect of any crude petroleum or casinghead spirit that is unavoidably lost, or in respect of any crude petroleum or casinghead spirit that is used by the licensee for purposes of production or for incidental purposes (including the heating and lighting of the dwellings of workmen engaged by the licensee in connection with the work of production, and the heating and lighting of any buildings maintained to provide social amenities for such workmen and their families). No royalty shall be payable in respect of any natural gas this is not sold.

10

15

(3) The rate of royalty to be specified in any license shall be fixed by the Minister when granting the license, and shall not in any case be less than five per centum. Different rates may be fixed in respect of different parts of the land comprised in the license. Where a mining license is granted to any person who at the time of applying therefor was the licensee under a prospecting license over any land that is comprised in the mining license, the rate of royalty to be specified in the mining license in respect of that land shall be the rate that was specified in respect thereof in the prospecting license.

25

30

(4) For the purposes of this section the selling value of any crude petroleum, casinghead spirit, or natural gas shall be such value as may be agreed upon by the Minister and the licensee, or in default of agreement, as may be fixed by arbitration under the Arbitration Act, 1908.

35

*Struck out.*

(5) The royalty on the crude petroleum, casinghead spirit, and natural gas produced in any half-year ending on the thirtieth day of June or the thirty-first day of December in any year shall be payable to the Under-Secretary, or to some person authorized by him to receive payment thereof, within one month after the expiration of the half-year.

40

*New.*

5 (5) All royalties payable under this section shall be payable for each half-year ending on the thirtieth day of June or the thirty-first day of December in each and every year, and the royalty for any half-year shall, within one month after the expiration of that half-year, be payable to the Under-Secretary or to some person authorized by him to receive payment thereof.

10 (6) Notwithstanding the foregoing provisions of this section, the royalty payable under any license in respect of any half-year shall be reduced by the ~~amount~~ *part* of the annual fee paid under the license in respect of that half-year, and where the ~~fee amount~~ so paid exceeds the royalty no royalty shall be payable for the half-year.

15 (7) For the purpose of enabling the royalty payable under any license to be computed the licensee shall furnish to the Under-Secretary a monthly statement in the prescribed form showing the quantity of crude petroleum *and* casinghead spirit *produced* and natural gas ~~produced~~ *sold* during the preceding month, and giving such other information in relation thereto as may be prescribed, or as may be required by the Under-Secretary.

20 (8) All books, accounts, and other records of the licensee in relation to the license shall, for the purposes of this section, be open at all reasonable times to inspection by the Under-Secretary or by any person authorized by him in that behalf.

*Petroleum to be refined and consumed in New Zealand.*

30 *Struck out.*

35 **13.** Subject to any regulations that may be made under this Act, every licensee shall refine or cause to be refined in New Zealand all crude petroleum produced from the land comprised in his license, and shall consume or cause to be consumed in New Zealand or sell or cause to be sold for consumption in New Zealand all petroleum and products of petroleum produced as aforesaid.

Licensees to refine petroleum and sell for consumption in New Zealand.

*New.*

Petroleum produced in New Zealand not to be exported except under authority of regulations.

**13.** Except as may be otherwise provided by regulations made under this Act, no crude petroleum produced in New Zealand and no products of any such petroleum shall be exported from New Zealand, and the licensee shall, if and when required by the Minister so to do, refine or cause to be refined in New Zealand any crude petroleum produced from the land comprised in his license. 5

*Licenses generally.* 10

Extension of area comprised in license.

**14.** Subject to the provisions of this Act and of any regulations made under this Act, the Minister may from time to time, on the application of the licensee, and upon or subject to such conditions as the Minister thinks fit, amend any license by adding any adjoining land to the land comprised therein. 15

Assignment of licenses.

**15.** (1) It shall not be lawful to sell, to assign or transfer (except by way of mortgage only), or to sublet any license or any interest therein without the precedent consent in writing of the Minister. Any agreement to deal with, or any act purporting to deal with, any license or any interest therein in contravention of this section shall be null and void. 20

(2) The Minister, in his discretion, may refuse his consent under this section to any proposed dealing, or may grant his consent either unconditionally or upon or subject to such conditions as he thinks fit. Before consenting to any dealing the Minister may require the production of such information concerning the proposed transaction as in the circumstances of the case he considers necessary. 25 30

*New.*

(3) The consent of the Minister to the transfer of any license in accordance with this section shall not be given unless and until the transferee has made a deposit or given security under section *six* or section *ten* hereof, as the case may be, as if he were an applicant for a license. 35

*Struck out.*

Surrender of licenses.

**16.** (1) Subject to any regulations that may be made under this Act, any licensee may at any time surrender his license completely or in respect of any part of the land comprised therein. 40

*New.*

5 16. (1) Any licensee under this Act may surrender his license either absolutely or in respect of any defined portion of the land comprised therein on giving to the Minister not less than two months' notice in writing (in the case of a prospecting license) or not less than six months' notice in writing (in the case of a mining license) of his intention so to do:

10 Provided that the Minister may, if he thinks fit, on the application of the licensee, accept the surrender of any such license notwithstanding that notice of intention to surrender the license may not have been duly given.

15 (2) In the case of a partial surrender the annual fee payable in respect of the license shall be reduced from the date of the surrender in proportion to the reduction effected by the surrender in the area of the land comprised in the license.

20 (3) Where a license is completely or partially surrendered the annual fee shall be apportioned as at the date of the surrender, and the licensee shall be entitled to a refund of so much of the fee as has been paid in respect of any period subsequent to the date of the surrender, or, in the case of a partial surrender, of so much thereof as has been so paid in respect of the land to which the surrender relates.

25 (4) Except as provided in this section, the complete or partial surrender of a license shall not release the licensee from any liability in respect of the license up to the date of the surrender.

30 17. (1) Where at any time during the currency of a license the Minister has reason to believe that the licensee has failed to comply or is not making reasonable efforts to comply with any of the conditions of the license he may give the licensee a notice in writing specifying the default and requiring him to remedy it within a period of ninety days from the giving of the notice.

Revocation of licenses.

35 (2) If the licensee fails to comply with the notice to the satisfaction of the Minister, the Minister may require him to appear before a Stipendiary Magistrate  
40 to show cause why the license should not be revoked.

(3) In any such case the Magistrate shall give at least fourteen clear days' notice in writing to the licensee, requiring him to appear at a time and place specified in the notice to show cause why the license should not be revoked. Having heard the matter in open Court the Magistrate shall forward his recommendations, together with the evidence, to the Minister, who, if he is satisfied that it is just so to do, may thereupon revoke the license. 5

(4) The revocation of a license shall not release the licensee from any liability in respect of the license up to the date of the revocation. 10

Registers of  
licenses.

**18.** (1) The Under-Secretary shall keep registers of licenses, and such other registers as may be prescribed or as he deems necessary. 15

(2) The contents of any register kept by the Under-Secretary may be evidenced in any proceedings by a certificate under the hand of the Under-Secretary, and every such certificate shall, until the contrary is proved, be sufficient evidence of the matters stated therein. 20

(3) A certificate under the hand of the Under-Secretary that on a date specified in the certificate the name of any person did not appear in any register as the holder of a license under this Act shall, until the contrary is proved, be sufficient evidence that that person was not the holder of such a license on that date. 25

*Right of Entry on Land.*

Right of  
entry on land.

**19.** (1) Subject to the provisions of this Act, the licensee under any license may, for the purpose of exercising any powers conferred by the license or by this Act or by any regulations made under this Act, enter with such workmen and other assistance as may be required upon any land comprised in the license. 30

(2) No mining operations shall be carried on upon or under any road or street, and nothing in this Act shall be construed to authorize any entry upon or obstruction of any road or street. 35

(3) In the exercise of any powers conferred by this Act or by any regulations made under this Act or by any license, it shall be the duty of all licensees, officers, workmen, and other persons to do as little damage or injury as possible to the real and personal property and to the rights of other persons. 40



20. (1) Subject to the *next succeeding* subsection, this section applies to all land (not being land held exclusively as an endowment) that is for the time being comprised in any one or more of the following 5 classes, namely:—
- (a) Land held by or on behalf of His Majesty or any local authority, public body, or trustees for the use, benefit, or enjoyment or for the safety or defence of the people of New Zealand or of the inhabitants of any district or locality in New Zealand: 10
  - (b) Land held, taken, purchased, or acquired by or on behalf of His Majesty or any local authority or public body for any public work within the meaning of the Public Works Act, 1928: 15
  - (c) Land that is part of the bed or shore of the sea, or part of the bed or banks of a river, and is below high-water mark at ordinary spring tides: 20
  - (d) Land that is part of the bed of a navigable river within the meaning of section two hundred and six of the Coal-mines Act, 1925, whether vested in the Crown or not: 20
  - (e) Land that is part of the bed of a river (not being a navigable river), or part of the bed of a lake, if it is held by or on behalf of His Majesty, or if, in the opinion of the Minister, it is not clearly established who is the owner thereof: 25
  - (f) Land that is subject to any one or more of the enactments specified in the Schedule to this Act: 30
  - (g) Land to which the provisions of this section are applied by the Governor-General by Order in Council under the *next succeeding* subsection. 35
- (2) The Governor-General may from time to time, by Order in Council, apply the provisions of this section to any specified land or to any specified class of land, and may in like manner exempt from the operation of this section any land or class of land to which this section 40 applies, whether by reason of an Order in Council under this subsection or otherwise. Any Order in Council issued under this subsection may be at any time in like manner varied or revoked.

Public reserves, &c., not to be entered on without consent of appropriate Minister.

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

Ibid., Vol. V, p. 939

(3) No person shall, in respect of any land to which this section applies, enter thereon pursuant to this Act or commence or carry on any mining operations thereon, except with the precedent consent in writing of the appropriate Minister and in accordance with the conditions (if any) upon or subject to which the consent is granted. 5

(4) The appropriate Minister to grant his consent under this section in respect of any land shall be the Minister for the time being charged with the administration of the land or with the administration of the enactment (if any) to which the land is subject, or, if there is no such Minister, shall be the Minister of Mines. If any question arises as to who is the appropriate Minister to grant his consent under this section in any case it shall be determined by the Governor-General in Council, whose decision shall be final. 10 15

(5) The appropriate Minister, in his discretion, may refuse his consent under this section, or may grant his consent either unconditionally or upon or subject to such conditions as he thinks fit. 20

(6) Where any land to which this section applies is held by or on behalf of or is controlled in whole or in part by any local authority, public body, or trustees, the appropriate Minister shall not make any decision in respect of an application for his consent under this section without first consulting the local authority, public body, or trustees. But no decision of the appropriate Minister shall be held to be invalid upon the ground that this subsection has not been complied with. 25 30

Certain other lands not to be entered on without consent of owners and occupiers.

**21.** (1) This section applies to all land (not being land to which the *last preceding* section applies) that is for the time being comprised in any one or more of the following classes, namely:— 35

(a) Land for the time being under crop or any land used as or situated within fifty yards of a yard, garden, orchard, vineyard, nursery, plantation, ~~cultivated~~ field, or ornamental pleasure-ground: 40

(b) Land situated within a borough or town district, or within a road district situated in the Eden County, and not more than half an acre in area:

(c) Land that is the site of or is situated within one hundred yards of any building, burial ground, reservoir, or substantial improvement.

5 (2) For the purposes of paragraph (c) of the *last preceding* subsection the term "reservoir" means any natural or artificial accumulation of water, and includes a spring, dam, bore, or artesian well. If any question arises as to whether anything is a substantial improvement for the purposes of the said paragraph it shall be  
10 determined by the Minister, whose decision shall be final.

(3) No person shall, in respect of any land to which this section applies, enter thereon pursuant to this Act or commence or carry on any mining operations thereon  
15 except with the precedent consent in writing of the owner and every occupier of the land (or, in the case of an appeal as hereinafter provided, of the Minister) and in accordance with the conditions (if any) upon or subject to which the consent is granted.

(4) Any owner or occupier, in his discretion, may  
20 refuse his consent under this section, or may grant his consent either unconditionally or upon or subject to such conditions, not inconsistent with this Act, or with any regulations made under this Act, as he thinks fit.

(5) If the owner or any occupier of any land (not  
25 being His Majesty the King or any Minister of the Crown) refuses or neglects to grant his consent under this section or grants his consent upon or subject to any condition, the person applying for consent may appeal to the Minister of Mines, and in that case the Minister, in  
30 his discretion, may refuse his consent under this section in respect of that land, or may grant his consent either unconditionally or upon or subject to such conditions, not inconsistent with this Act, or with any regulations made under this Act, as he thinks fit.

(6) Subject to any regulations that may be made  
35 under this Act, where the owner or any occupier of any land is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representatives, any person requiring the  
40 consent of the owner or occupier under this section may appeal to the Minister as if the owner or occupier had refused or neglected to grant his consent, and the provisions of the *last preceding* subsection shall apply accordingly.

(7) Nothing in this section or in any decision of the Minister on an appeal under this section shall be construed to restrict the power of any owner or occupier of any land and any person applying for the consent of the owner or occupier under this section to enter into mutual agreements as to the consent of the owner or occupier and as to the conditions (if any) upon or subject to which it is granted. 5

Coal-mining rights and mining privileges not to be entered on without consent of holders.

See Reprint of Statutes, Vol. V, pp. 843, 943

**22.** (1) The *last preceding* section shall apply with respect to the land comprised in any coal-mining right under the Coal-mines Act, 1925, or in any mining privilege (other than a miner's right) under the Mining Act, 1926, as if the holder of the coal-mining right or mining privilege were one of the occupiers of the land, or, in the case of land to which that section would not apply independently of this section, as if the holder were the owner and occupier of the land. 10 15

(2) The foregoing provisions of this section shall be in addition to and not in derogation of the provisions of the *last two preceding* sections. 20

Compensation to be paid or secured before any land is entered upon.

**23.** (1) No person shall enter upon any land pursuant to this Act or shall commence or carry on any mining operations on any land unless he has first, in respect of the owner of the land and of every person having any registered estate or interest therein and of every person holding any coal-mining right or mining privilege (not being a miner's right) in respect of the land, paid or tendered to him the amount of the compensation (if any) payable to him under this Act in respect of the proposed entry or mining operations, or entered into an agreement in writing with him as to the compensation and as to the payment thereof (if any) or given security to the satisfaction of a Stipendiary Magistrate for payment of the compensation (if any). 25 30

*New.*

(1A) Nothing in the *last preceding* subsection shall apply with respect to entry upon any land for the purpose of making any geological survey or for the purpose of making any geophysical survey that does not involve a risk of damage to the land or the improvements thereon, or to any stock or other chattels for the time being thereon. 35 40

(2) Where the land or any registered estate or interest therein is held by or on behalf of His Majesty, an agreement under this section may be entered into on behalf of His Majesty by the Minister for the time being charged with the administration of the land, or with the administration of the enactment (if any) to which the land is subject, or, if there is no such Minister, by the Minister of Mines. If any question arises as to who is the appropriate Minister to enter into any agreement under this section, it shall be determined by the Governor-General in Council, whose decision shall be final.

(3) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Act restricting the right to enter upon any land or to commence or carry on any mining operations.

**24.** (1) Before any licensee enters upon any land (not being Native land) or causes it to be entered upon pursuant to this Act he shall give to every occupier of the land ~~not less than fourteen clear days'~~ notice in writing of his intention so to do.

Notice of entry to be given to occupiers.

*New.*

Where the entry upon the land is for the purpose of making any geological survey or for the purpose of making any geophysical survey that does not involve a risk of damage to the land or the improvements thereon, or to any stock or chattels for the time being thereon, fourteen clear days' notice of intention shall be given as aforesaid, and in every other case twenty-eight clear days' notice shall be given.

(1A) A notice to any occupier under ~~this~~ *the* last preceding subsection may be given by delivering it to the occupier personally, or by putting it up in a conspicuous place on the land and posting a copy of it by registered letter addressed to the occupier at his last known place of abode or business in New Zealand or to the agent or representative of the occupier.

(2) Before any licensee enters upon any Native land or causes it to be entered upon pursuant to this Act he shall give to the Registrar of the Native Land Court for the district in which the land is situated not less than twenty-eight clear days' notice of his intention so to do, and shall also give to every occupier of the land

(not being a Native) notice in accordance with subsection *one* of this section. A notice may be given to the Registrar by delivering it to him personally or by posting it by registered letter addressed to the Registrar at his office.

5

(3) Every notice under this section shall specify the land upon which it is proposed to enter, and shall also specify the purpose for which the entry is proposed to be made.

(4) A notice posted as provided in this section shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

10

(5) The foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of this Act restricting the right to enter upon any land or to commence or carry on any mining operations.

15

(6) This section shall bind the Crown.

Removal of  
buildings and  
chattels by  
licensees.

25. (1) Nothing in this Act or in any license shall be construed to entitle any licensee to any compensation for any improvements that he may effect to any land.

20

(2) Where any buildings, machinery, works, or other improvements are erected or made on any land by any licensee in the exercise of any powers conferred upon him by his license or by this Act or by any regulations made under this Act, and are so attached to the land as to form part thereof, the licensee may at any time during the prescribed period remove or otherwise dispose of the buildings, machinery, works, or other improvements, or any of them, as if they had continued to belong to him.

25

30

(3) Where any chattel, machinery, or other property is placed on any land by any licensee in the exercise of any powers conferred upon him by his license or by this Act or by any regulations made under this Act, and is not so attached to the land as to form part thereof, it shall be the duty of the licensee to remove the property from the land during the prescribed period, and if he fails so to do he commits an offence. Any property that is not removed from any land as required by this subsection may be seized on behalf of His Majesty by any Inspector, and it shall thereupon become the property of His Majesty free and discharged from all right, title, or interest possessed in respect thereof by any other person.

35

40

45

(4) For the purposes of this section the prescribed period in respect of any license shall be the period during which the license is in force and six months thereafter, or such longer period as the Minister on application in that behalf directs.

(5) The provisions of this section shall be deemed to be subject to the provisions of any valid agreement made by a licensee with any owner or occupier of any land.

*Taking of Land.*

10 **26.** (1) For the purpose of facilitating the carrying-  
 on of any mining operations the Governor-General may,  
 on the application of a licensee 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,  
 15 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).

Land required  
 by licensee  
 for mining  
 operations may  
 be taken under  
 Public Works  
 Act.

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

(2) Notwithstanding anything to the contrary in the  
 20 Public Works Act, 1928, the effect of a Proclamation ~~or~~  
~~Order in Council~~ issued for the purposes of this section  
 shall be to vest the land, estate, interest, easement, or  
*profit à prendre*, as the case may be, in the licensee  
 instead of in His Majesty; and all proceedings  
 25 subsequent to the issue of the Proclamation ~~or~~ ~~Order~~  
~~in Council~~ in respect of compensation, or otherwise for  
 the purpose of complying with the said Act, shall be  
 taken against the licensee, who shall be deemed to be the  
 respondent and shall be liable in respect of the taking  
 30 to the same extent as His Majesty or the Minister of  
 Public Works would have been liable if the taking had  
 been for the purpose of a Government work.

*Struck out.*

35 (3) The powers conferred by this section may be  
 exercised in respect of any land upon the application  
 of any licensee, whether or not the land is comprised  
 in the license of the applicant or in any other license:

40 Provided that nothing in this subsection shall be  
 construed to authorize any licensee to prospect or  
 mine for petroleum on any land not comprised in his  
 license.

Rights of the Crown.

Struck out.

Compulsory requisition of petroleum and products and petroleum-works by Governor-General.

27. (1) The Governor-General, whenever he deems it necessary in the public interest so to do, may by Warrant under his hand authorize and direct any person to whom the Warrant is addressed to seize and take possession on behalf and for the use of His Majesty of all petroleum produced in New Zealand (whether produced before or after the issue of the Warrant) and all products of such petroleum or any class of such petroleum or products, or to take possession in whole or in part, on behalf and for the use of His Majesty, of all petroleum-works or of any specified petroleum-works or specified class of petroleum-works, and to operate, manage, control, and use the works or any part thereof in such manner and for such period as may be specified in the Warrant.

5  
10  
15

(2) On the issue of any Warrant under this section it shall be lawful for the person to whom the Warrant is addressed by himself or by any other person or persons employed by him in that behalf to act in pursuance thereof, and for that purpose to enter upon or into any land, building, or vessel upon or in which any petroleum or products of petroleum or petroleum-works may be or be supposed to be, and in so doing to use such force (if any) as may be necessary in that behalf.

20  
25

(3) Any person who restricts or obstructs any person acting in pursuance of a Warrant issued under this section shall be guilty of a crime, and may be arrested without warrant by any constable or by any officer of the Defence Forces, and shall be liable to imprisonment for two years or to a fine of five hundred pounds.

30

(4) All petroleum and products of petroleum seized under any Warrant issued under this section shall thereupon become the property of His Majesty, free and discharged from all right, title, or interest possessed in respect thereof by any other person.

35

(5) All petroleum and products of petroleum so seized may be disposed of by the Governor-General in such manner as he thinks fit, either for the purpose of His Majesty's naval, military, air, or public service, whether in respect of New Zealand or otherwise, or for sale to the public.

40



28. (1) Subject to the provisions of this section, the Minister, on behalf of His Majesty, may carry on mining operations, and may also carry on the business of acquiring, improving, disposing of, and ~~dealing in~~  
 5 ~~petroleum and any products of petroleum dealing in~~ petroleum produced in New Zealand and any products of such petroleum.

Minister may carry on mining operations and deal in petroleum.

(2) The Minister shall not prospect or mine for petroleum on any land unless a license is held on behalf  
 10 of His Majesty in respect of that land.

(3) Any operation or business authorized by this section shall be deemed to be a public work within the meaning of the Public Works Act, 1928.

29. (1) The Under-Secretary or any other person  
 15 authorized in that behalf by the Minister may, on behalf of His Majesty, apply for, lease, purchase, or otherwise acquire and hold, or sell, lease, or otherwise dispose of, any license under this Act in the same manner in all respects as if he were a private person.

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

Licenses may be acquired by Under-Secretary.

(2) Subject to the provisions of this section, any  
 20 license acquired on behalf of His Majesty shall confer on His Majesty the same rights, benefits, and privileges as would be conferred upon a private person holding the license. No transfer or mortgage to His Majesty of  
 25 any license shall operate as a merger of the interest created by the license.

(3) A license held on behalf of His Majesty shall not be determinable by effluxion of time, but shall continue in force notwithstanding the expiry of the term  
 30 for which it was granted, until surrendered by a notice published by the Minister in the *Gazette*.

(4) Nothing in this section shall be construed to impose any obligations upon His Majesty or upon any person holding a license on behalf of His Majesty or to  
 35 ~~render any of the provisions of this Act binding on the Crown~~ binding upon the Crown any provisions of this Act that are not expressed to bind the Crown.

*Compensation.*

Persons  
injuriously  
affected by  
operations  
under this Act  
entitled to  
compensation.

30. (1) Every person having any right, title, estate,  
or interest in ~~any petroleum or products of petroleum~~  
~~seized under section twenty-seven of this Act,~~ or in any  
land injuriously affected by the exercise of any powers 5  
conferred by this Act or by any license, ~~or in any~~  
~~petroleum works taken possession of under this Act,~~ or  
suffering any damage from the exercise of any powers  
conferred by this Act or by any license shall be entitled  
to full compensation for ~~the~~ all loss, injury, or damage 10  
suffered by him.

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

Ibid., p. 664

(2) Where any claim for compensation under this  
section arises in respect of the exercise of any power by  
or on behalf of any licensee, the person liable for the  
compensation (if any) that becomes payable shall be the 15  
licensee, who shall be deemed to be the respondent for  
the purposes of the Public Works Act, 1928. Where in  
any other case the claim arises in respect of the exercise  
of any power by or on behalf of His Majesty or the  
Governor-General or any Minister of the Crown, the 20  
Minister of Public Works shall, subject to section one  
hundred of the Public Works Act, 1928, be liable for the  
compensation (if any) that becomes payable, and shall  
be deemed to be the respondent.

Ibid., p. 622

(3) In default of agreement between the parties, 25  
claims for compensation under this section shall be made  
and determined within the time and in the manner  
provided by the Public Works Act, 1928, and the  
provisions of that Act shall, so far as they are applicable  
and with the necessary modifications, apply with respect 30  
to claims under this section.

(4) Compensation shall not be payable under this  
Act or under any other Act in respect of any petroleum  
existing in its natural condition on or below the surface  
of any land. 35

(5) This section shall bind the Crown, and shall apply  
with respect to claims on behalf of the Crown, as well  
as to claims by or on behalf of other persons.

*Miscellaneous.*

31. (1) Where the Maori Land Board of the district in which any Native land is situated is requested by any of the owners or occupiers of the land (being Natives) to represent them for the purposes of this Act, or where the Board is requested by any licensee or other person exercising or desiring to exercise any powers conferred by this Act in relation to the land to represent the owners and occupiers of the land (being Natives) for the purposes of this Act, the Board shall represent them accordingly; and for that purpose the provisions of this Act shall apply as if references to the said Native owners and occupiers were references to the Maori Land Board.

Maori Land Board to represent Native owners and occupiers of Native land if requested.

*New.*

(2) Where in accordance with this section a Maori Land Board represents the Native owners or occupiers of any land it may grant consents, enter into agreements, execute documents, receive money and give discharges therefor, and do any other things for the purposes of this Act as fully and effectually as if the estates and interests of such Native owners and occupiers in the land were vested in the Board.

(3) For the purposes of this section every owner of an undivided interest in any Native land shall be deemed to be a Native.

32. (1) Every licensee shall keep a log, in the prescribed form, of all wells drilled by him, showing the state, character, depth, and formation of the strata passed through or encountered by the drill, and giving such other information as may be prescribed. The log shall be open at all reasonable times to inspection by any Inspector, and a certified copy of the log shall from time to time be furnished to the Minister on demand, or in accordance with regulations made under this Act.

Geological records to be kept by licensees.

(2) Every licensee shall also keep an adequate record of all operations conducted by him in relation to his license, collect geological specimens of outcrops, fossils, rocks, and materials encountered in drilling, and take all reasonable precautions to ensure that the materials and records are clearly and securely labelled and stored in such a way as to prevent deterioration or loss thereof.

All records and materials completed or collected under this subsection shall be kept for at least ~~one year~~ *six months* thereafter, and shall be open at all reasonable times during that period to inspection or examination by the Minister, by the Under-Secretary, by the Director of the Geological Survey of New Zealand, by any Inspector, or by any other person authorized by the Minister in that behalf. 5

(3) Every licensee shall also forward to the Minister as soon as reasonably practicable certified copies of all geological, geophysical, or other reports made or obtained by the licensee in respect of the land comprised in his license. 10

(4) No information furnished by any licensee pursuant to this section shall while the license remains in force be made public or be disclosed to any person other than an officer in the service of the Government without the consent of the licensee. 15

Unit  
development.

**33.** (1) Where the Minister is satisfied that the land comprised in two or more licenses or any part thereof forms part of a single geological petroleum structure or petroleum field (hereinafter referred to as an oilfield), and that it is in the national interest in order to secure the maximum ultimate recovery of petroleum and to avoid unnecessary competitive drilling that the oilfield should be worked as a unit in co-operation by all the licensees whose licenses comprise any part thereof, the Minister may by notice in writing require all the licensees to co-operate in the preparation of a scheme (hereinafter referred to as a development scheme) for the working and development of the oilfield as a unit by the lessees in co-operation, and to submit the scheme jointly for the approval of the Minister. 20 25 30

(2) The notices shall specify the land in respect of which and the period within which the Minister requires a development scheme to be submitted. 35

(3) If a development scheme is not submitted to the Minister within the period specified in that behalf in the notices, or if a development scheme submitted under the foregoing provisions of this section is not approved by the Minister, the Minister shall himself prepare a development scheme ~~which shall be~~ fair and equitable to all the licensees and the licensees shall perform and observe the terms and conditions thereof. 40

(4) If any of the licensees objects to any development scheme prepared by the Minister he may within twenty-eight days after the date on which notice in writing of the scheme is given to him by the Minister refer the matter to a single arbitrator in accordance with the Arbitration Act, 1908. The arbitrator shall be appointed either by agreement between the Minister and all the licensees or, in default of agreement, by the Chief Justice of New Zealand. Notwithstanding any such reference to arbitration all the licensees shall, unless the arbitrator otherwise determines, perform and observe the terms and conditions of the development scheme pending the decision of the arbitrator.

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

**34.** (1) There may from time to time be appointed for the purposes of this Act such Inspectors as may be required.

Inspectors.

(2) Every Inspector shall have such powers as may be necessary to carry into effect the provisions of this Act or as may be prescribed. In particular, every Inspector shall, with respect to the machinery (other than steam-engines and boilers) in any petroleum-works, have all the powers of an Inspector under the Inspection of Machinery Act, 1908; but nothing in this Act shall be deemed to abridge or annul any of the provisions of the Inspection of Machinery Act, 1908, or to affect the duties of any Inspectors appointed under that Act.

Ibid.,  
Vol. V, p. 527

(3) In the exercise and performance of his duties and functions every Inspector shall at all convenient times have free access to any petroleum-works, and it shall be the duty of every licensee and of every person employed by a licensee to afford all such assistance as may be reasonably required for facilitating the inspection of any mining operations or petroleum-works.

(4) If any workman or other person employed in mining operations makes a complaint in writing to any Inspector in relation to the conduct of the mining operations, it shall be the duty of the Inspector forthwith on receipt of the complaint to make inquiry into the subject-matter thereof, and to report thereon to the Under-Secretary. The name of the person making any such complaint shall not be divulged.

(5) It shall be the duty of every Inspector to see that the provisions of this Act, and of all regulations made under this Act, and the conditions of licenses are duly complied with.

(6) It shall also be the duty of every Inspector to prosecute every person whom he believes to have committed, within the district in which the Inspector exercises his functions, any serious breach of any provision of this Act or of any regulations made under this Act, unless he is satisfied that the appropriate proceedings in respect of the breach have been instituted and are being duly carried on by some other person empowered in that behalf: 5 10

Provided that no person shall be punished twice for the same offence. 15

Notice of accidents involving loss of life or serious injury.

**35.** Where, in or about any petroleum-works or in connection with any mining operations, any accident occurs which—

(a) Causes loss of life, or a fracture of the skull or of any limb, or any dislocation of a limb, or any other serious bodily injury to any person; or 20

(b) Is caused by an explosion or ignition of gas or other explosive, or by electricity, or by fire, or by such other special cause as may be prescribed, and causes any bodily injury whatsoever to any person,— 25

the licensee shall forthwith notify the Inspector for the district by telegraph of the accident, and shall in addition forthwith sent to the Inspector a written notice in the form and containing the particulars prescribed. Where the accident involves loss of life the licensee shall also forthwith notify the Minister thereof by telegraph. 30

Obstruction of officers.

**36.** Every person who impedes or obstructs any person in the performance of any duty that he is appointed to perform under this Act commits an offence. 35

Service of notices.

**37.** (1) Except where otherwise specially provided, any notice required to be given to any person for the purposes of this Act may be given by 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 under this Act, or to be posted in a letter addressed to him at that place of abode or business or address. 40

(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  
5 it shall be sufficient to prove that the letter was properly addressed and posted.

38. (1) Subject to the provisions of this section, section twenty-nine of the Public Revenues Act, 1926, shall apply with respect to all moneys deposited with  
10 the Under-Secretary by licensees under this Act.

Application of deposits.  
See Reprint of Statutes, Vol. VII, p. 19

(2) The amount of any deposit made by a licensee as aforesaid, together with the *accrued* interest (if any) ~~earned thereon and not paid to the licensee as hereinafter provided,~~ shall be applicable by the Minister, as he  
15 thinks fit, in or towards the payment of any moneys payable to the Crown by the licensee in relation to the license in respect of which the deposit was made or in relation to any other license held by him, or in or towards the restoration or protection of any real or  
20 personal property injuriously affected or endangered by reason of the failure of the licensee to comply with the conditions of any license held by him.

(3) Subject to the *last preceding* subsection, the licensee shall during the currency of the license in  
25 respect of which the deposit was made be entitled to receive the interest (if any) from time to time earned on the deposit and available for payment to him.

*Struck out.*

(4) Upon the termination (whether by effluxion of  
30 time or otherwise) of the license in respect of which a deposit is made the licensee shall be entitled to a refund of the deposit, with accrued interest (if any) thereon, or so much thereof as is not applied under subsection  
35 *two* of this section, if an Inspector certifies that the licensee has throughout the currency of the license substantially complied with the conditions of the license. If no such certificate is obtained the deposit or the balance thereof, as the case may be, with accrued interest  
40 (if any) thereon, shall be transferred to and form part of the Consolidated Fund.

*New.*

(4) Upon the termination (whether by effluxion of time or otherwise) or on the transfer of any license in respect of which a deposit has been made the following provisions with respect to such deposit shall apply:— 5

(a) If on the date of the termination or transfer of the license any guarantee or other security in lieu of deposit is held by the Under-Secretary pursuant to section *six* or section *ten* of this Act, on account of the licensee, the deposit in respect of the terminated or transferred license (reduced by any amount that may have been applied by the Minister in accordance with subsection *two* hereof) shall be held in lieu of such security, which shall thereupon be discharged or released either absolutely or by the amount of the deposit made available as security in accordance with this paragraph: 10 15

(b) In any case to which the *last preceding* paragraph is not applicable the licensee, if he has substantially complied with the conditions of the license throughout the currency thereof, shall be entitled to a refund of the deposit, with accrued interest (if any) thereon, reduced by any amount that may have been applied by the Minister in accordance with subsection *two* hereof: 20 25

(c) If in the opinion of the Minister the licensee has failed to comply substantially with the conditions of his license any amount which would otherwise be refundable in accordance with the *last preceding* paragraph shall, in accordance with the direction of the Minister, be paid, as to the whole or any part thereof, into the Consolidated Fund and deemed to form part thereof, and the residue (if any) shall be refunded to the licensee. 30 35

As to what constitutes substantial compliance with conditions of license.

**38A.** Where any of the rights or privileges of a licensee under this Act are contingent or dependent upon his having substantially complied with the conditions of his license, a licensee who has not fully complied with those conditions shall be deemed to have substantially complied therewith in any case where— 40



*New.*

- 5 (a) The licensee has been duly exempted from compliance with any conditions and has substantially complied with all other conditions; or
- 10 (b) The licensee has substantially complied with any conditions that have been duly substituted for any of the original conditions and has substantially complied with all other conditions; or
- 15 (c) The Minister is satisfied that the failure of the licensee to comply with such conditions has been due to causes beyond the control of the licensee or that for any other reason the failure of the licensee to comply with any conditions should be excused.

20 **39.** (1) All fees, royalties, and other moneys payable under this Act shall be recoverable as moneys due to the Crown, and, without restricting any other mode of recovery, may be recovered in any Court of competent jurisdiction by the Under-Secretary by suit in his official name, or by any other person authorized in that behalf by the Minister.

Recovery of fees and other moneys.

25 (2) Except as otherwise provided in this Act or by regulations made under this Act, all such moneys shall be paid into the Public Account to the credit of the Consolidated Fund.

30 **40.** (1) Every person who fails to comply with any of the provisions of this Act or who does any act in contravention thereof commits an offence. Every person who commits an offence against this Act or against any regulations made under this Act for which no penalty is provided elsewhere than in this section is liable on summary conviction to a fine of  
35 *one hundred pounds.*

General penalty for offences.

*Struck out.*

40 (2) Every person who commits a continuing offence against this Act or against any regulations made under this Act is liable, in addition to the fine provided by the *last preceding* subsection or elsewhere in this Act, or in the regulations, as the case may be, to a further fine of *ten pounds* for every day after the first on which the offence is committed.

Proceedings of  
Minister not to  
be questioned  
for want of  
form, or  
appealed  
against.

**41.** Proceedings before the Minister under this Act shall not be held bad for want of form. No appeal shall lie from any decision or determination made by the Minister under this Act; and, except upon the ground of lack of jurisdiction, no proceeding, decision, or determination as aforesaid shall be liable to be challenged, reviewed, quashed, or called in question in any Court. 5

*Regulations.*

Regulations.

**42.** (1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. 10

(2) Without limiting the general power hereinbefore conferred, regulations may be made under this section for all or any of the following purposes:— 15

- (a) Prescribing any forms that may be required for the purposes of this Act:
- (b) Prescribing conditions upon or subject to which licenses may be applied for, granted, or renewed: 20
- (c) Prescribing the manner in which persons desiring to apply for licenses over any land are to mark out or identify the land, and authorizing surveys for that purpose: 25
- (d) Prescribing registers to be kept under ~~this Part~~ of this Act, the form thereof, the matters to be entered therein, and the means by which entries therein shall be verified: 30

*Struck out.*

(e) Prescribing the conditions upon or subject to which licenses may be surrendered:

- (f) Providing for the keeping of records and the furnishing of information and returns by licensees for any purpose under this Act, and prescribing the nature of the records, information, and returns, and the form, manner, and times in or at which they shall be kept or furnished: 35

- (g) Prescribing matters in respect of which fees are to be payable under this Act or under regulations made under this section, the amount of the fees, and the persons liable to pay them: 40

- 
- (h) Authorizing the refund or remission, in such circumstances as in accordance with the regulations the Minister thinks fit, of any fees payable under this Act or under regulations made under this section:
- 5 (i) Prescribing the duties of licensees and the operations to be carried out under licenses:
- (j) Prescribing the qualifications of persons in charge of mining operations or any class thereof, and, in particular, of persons employed as well-managers, and providing for the examination of and grant of certificates to qualified persons:
- 10 (k) Preventing or abating nuisances in or about petroleum-works, and cleansing and keeping clean the same, and preventing pollution of the sea-shore or the sea or inland waters in connection with mining operations:
- 15 (l) Prescribing safety precautions in mining operations, and the treatment of water above and below the ground, and preventing waste or loss of petroleum or gas:
- (m) Prescribing drilling machinery, materials, and casing to be used in mining operations, and prohibiting the use of other classes thereof:
- 25 (n) Regulating the storage, transportation, and utilization ~~and treatment~~ of petroleum produced in New Zealand and products of such petroleum, and, in particular, the spacing of storage tanks:
- 30 (o) ~~Regulating the spacing of oil wells, and~~ Prohibiting or regulating mining operations by licensees near the boundaries of the land comprised in their licenses, and near land comprised in other licenses:
- 35 (p) Regulating the cessation of mining operations and the abandonment of oil-wells; and prescribing precautions against flooding:
- (q) Providing that mining operations are carried out with due diligence and by safe and satisfactory methods:
- 40 (r) Requiring licensees and other persons owning or operating pipe-lines to convey therein at reasonable rates any petroleum belonging to the Crown, and prescribing rates therefor:

- (s) Generally regulating mining operations:
- (t) Providing for the exemption of licensees, either wholly or partially, and either absolutely or conditionally, from any of the requirements of their licenses ~~or of section thirteen of this Act~~ or of regulations made under this section: 5
- (u) Prescribing the powers and duties of Inspectors, and requiring compliance by all persons with any directions lawfully given by them:
- (v) Prescribing fines, not exceeding *one hundred* pounds, for the breach of any regulation made under this section. 10
- (3) Any regulations made under this section may be so made that different regulations shall apply with respect to different classes of licenses or licensees or mining operations or petroleum-works, or with respect to the same class of licenses, licensees, operations, or works in different circumstances. 15
- (4) Any regulations made under this section may apply generally throughout New Zealand, or within any specified part or parts thereof, and may from time to time be applied by the Minister, by notice in the *Gazette*, to any part of New Zealand. 20
- (5) The operation of any regulations made under this section may, if it is so provided therein, be wholly suspended until they are applied by the Minister by notice in the *Gazette*. Any such notice may be at any time in like manner revoked. 25
- Struck out.*
- (6) No regulation made under this section shall be deemed invalid on the ground that it delegates to or confers on the Governor-General, the Minister, or any other person or body any discretionary authority, or on the ground that any fees imposed thereby are unreasonably high, or on the ground that any conditions therein are unreasonably restrictive. 30  
35
- (7) All regulations made under this section shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session. All such regulations shall be referred to the Goldfields and Mines Committee of each House. 40

*Srtuck out.*

(8) In any case where both Houses of Parliament by resolution recommend that any regulation made under this section be amended in any respect, or be revoked, the Governor-General, by Order in Council, shall forthwith proceed to give effect to the recommendation.

(9) No right, title, or interest acquired under or created by any regulation made under this section shall be in any manner affected by the amendment or revocation thereof pursuant to the *last preceding* subsection.

*Coal-mines Act and Mining Act.*

43. (1) Except where otherwise specially provided, nothing in this Act shall be construed to affect any coal-mining rights under the Coal-mines Act, 1925, or any mining privileges under the Mining Act, 1926, or the granting thereof.

(2) Nothing in the Coal-mines Act, 1925, or in the Mining Act, 1926, or in any coal-mining right or mining privilege (whether granted before or after the commencement of this Act) shall be construed to authorize any interference with or injury to any mining operations or petroleum-works under this Act.

44. (1) Except as provided in this section, nothing in the Mining Act, 1926, shall apply to petroleum or to mining or prospecting for petroleum.

(2) The expression " mining operations " in paragraph (a) of section one hundred and nine of the Mining Act, 1926, shall be deemed to include mining operations within the meaning of this Act.

(3) The expression " mining purposes " wherever it occurs in section four of the Mining Amendment Act, 1934, shall be deemed to include the purpose of mining operations within the meaning of this Act.

*Repeal and Savings.*

45. Part XII of the Mining Act, 1926, is hereby repealed.

46. (1) For the purposes of this section the term " existing right " means—

(a) A mineral-prospecting warrant issued in relation to petroleum under the Mining Act, 1926, or any former Mining Act:

Effect of this Act on coal-mining rights and mining privileges.

See Reprint of Statutes, Vol. V, pp. 843, 943

Mining Act not to apply to petroleum-mining, except as regards water-race licenses and geological and geophysical surveys.

Ibid., p. 943  
1934, No. 26

Repeal.

See Reprint of Statutes, Vol. V, p. 1147

Saving of existing warrants, licenses, &c., under Mining Act.

(b) A license or lease issued under section four hundred and sixteen of the Mining Act, 1926, or the corresponding provisions of any former Mining Act:

(c) A contract entered into by any person before 5  
the first day of July, nineteen hundred and  
thirty-seven, with His Majesty or any Minister  
of the Crown, or any local authority or public  
body in relation to prospecting or mining for 10  
petroleum by that person on any land which,  
or any estate or interest in which, or the  
control of which, is vested in His Majesty or  
the Minister, local authority, or public body,  
as the case may be.

(2) Subject to the *next succeeding* subsection, every 15  
existing right shall, notwithstanding the repeal of  
Part XII of the Mining Act, 1926, continue in force as if  
this Act had not been passed, and while any existing  
right continues in force everything done pursuant thereto 20  
shall be as lawful as if this Act had not been passed.

(3) Unless it has sooner expired or been lawfully 25  
determined, whether by revocation, surrender, agree-  
ment, or otherwise, every existing right shall be deemed  
to expire at the end of one year from the commencement  
of this Act.

(4) At any time within one year after the commence-  
ment of this Act the holder of any existing right may  
surrender it, and thereupon, subject to the provisions of  
this Act and of any regulations made under this Act 30  
(whether relating to deposits, limitation of area, or  
otherwise), he shall be entitled to receive in exchange a  
prospecting license (in the case of a right to which  
paragraph (a) of subsection *one* of this section applies)  
or (in any other case) at his option a prospecting license  
or a mining license over the whole or any part of the 35  
land comprised in the existing right.

Preference for  
applications by  
persons  
claiming other  
prospecting  
or mining  
rights.

**47.** (1) Every person who at the commencement of  
this Act claims to be provisionally entitled, by virtue  
of any contract (not being an existing right within  
the meaning of the *last preceding* section) entered into 40  
with the owner of any land or with any other competent  
person, to prospect or mine for petroleum on the land  
may give notice in writing to the Under-Secretary of the  
existence and nature of the right and of the land affected  
thereby, accompanied by certified copies of all documents 45  
by virtue of which the right is claimed. This section

does not apply to contracts entered into after the thirty-first day of December, nineteen hundred and thirty-six, unless they are renewals of contracts entered into on or before that date.

(2) The Under-Secretary shall cause to be kept a register of all notices received under this section.

(3) Every application for a prospecting license or a mining license over any land made within three months after the commencement of this Act by any person who has given a notice under this section in respect of that land shall be given preference over all other applications in respect of that land if the Minister is satisfied that the notice relates to a claim that would have been valid if this Act had not been passed.

(4) Nothing in this section shall be construed to authorize any person to prospect or mine for petroleum except in pursuance of a license issued under this Act.

SCHEDULE.

Schedule.

ENACTMENTS REFERRED TO IN SECTION 20.

Title of Enactment.	Reference to Reprint of Statutes.
1908, No. 19.—The Cemeteries Act, 1908 ..	Vol. I, p. 731.
1908, No. 172.—The Scenery Preservation Act, 1908	Vol. VIII, p. 613.
1908, No. 194.—The Tourist and Health Resorts Control Act, 1908	Vol. VIII, p. 605.
1921-22, No. 43.—The Forests Act, 1921-22 ..	Vol. III, p. 425.
1922, No. 31.—The Tongariro National Park Act, 1922.	..
1924, No. 31.—The Land Act, 1924, section 129	Vol. IV, p. 684.
1924, No. 60.—The Egmont National Park Act, 1924.	..
1926, No. 31.—The Peel Forest Act, 1926. ..	..
1928, No. 33.—The Education Reserves Act, 1928	Vol. IV, p. 1003.
1928, No. 36.—The Public Reserves, Domains, and National Parks Act, 1928	Vol. VI, p. 1134.
1932, No. 28.—The Waitangi National Trust Board Act, 1928 1932.	..
1932-33, No. 44.—The Waitangi Endowment Act, 1932-33.	..