

MINISTRY OF ENERGY BILL

EXPLANATORY NOTE

THE purpose of this Bill is to establish a Ministry of Energy which, under the control of its Minister, will be responsible for the formulation and administration of policies for energy for New Zealand.

The Ministry will also assume all the functions, powers, and duties at present undertaken by the Mines Department, the Ministry of Energy Resources, and the New Zealand Electricity Department, which will be disestablished.

In addition, the new Ministry will administer the Geothermal Energy Act 1953, and will also take over the control of certain energy prices from the Department of Trade and Industry.

The Bill is divided into 4 parts as follows:

- (a) Part I, which establishes the administrative structure of the Ministry:
- (b) Part II, which defines its functions:
- (c) Part III, which effects consequential amendments to other enactments relating to coal, electricity, energy resources, gas, geothermal energy, minerals (including mining and quarries), nuclear energy, and petroleum:
- (d) Part IV, which contains miscellaneous provisions.

Clause 1 specifies the Short Title and provides for its provisions to be brought into force by Order in Council.

Clause 2 defines expressions used in the Bill.

PART I

THE MINISTRY OF ENERGY

Clause 3 establishes the Ministry.

Clause 4 provides that the Ministry shall be under the control of the Minister of Energy.

Clause 5 provides for the appointment of a Secretary of Energy, in accordance with the State Services Act 1962, as the administrative head of the Ministry.

Clause 6 provides for the appointment under that Act of one or more Deputy Secretaries of Energy.

No. 36—1

Clause 7 provides for the appointment of other staff of the Ministry. Persons who are at present employees of the Mines Department, the Ministry of Energy Resources, and the New Zealand Electricity Department will on the commencement of the Bill become employees of the new Ministry on the same conditions as they are at present engaged.

Clause 8 enables the Minister to appoint committees to assist him or the Secretary.

Clause 9 provides for the delegation by the Minister to the Secretary of his powers under any enactment as Minister of Energy.

Clause 10 provides for the delegation by the Secretary to any other officer or employee of the Ministry of his powers as Secretary under any enactment.

PART II

FUNCTIONS OF THE MINISTRY

This Part sets out the functions of the new Ministry.

Clause 11 defines its general functions in relation to energy policy, which may be summarised as being to advise the Minister on the formulation, implementation, and continuing review of effective and efficient policies for New Zealand in respect of energy, and to undertake such other functions as are necessary for the furtherance of those policies.

Clause 12 provides that the Minister of Energy and the Secretary of Energy will take over the functions, powers, and duties of the Minister of Trade and Industry and the Secretary of Trade and Industry respectively under Part IV of the Commerce Act 1975 in respect of the control of prices for certain classes of goods and services relating to energy. These include goods specified in that clause and other goods and services to be specified by Orders in Council. It should be noted that clause 12 itself does not impose price controls.

Clause 13 sets out the general functions of the Ministry in relation to minerals.

Clause 14 charges the Ministry with the administration of the statutes specified in the First Schedule. These relate to coal, electricity, energy resources, gas, geothermal energy, minerals, nuclear energy, and petroleum.

Under *clause 15*, the Minister on behalf of the Crown may by agreement participate in the promotion or operation of undertakings relating to energy and to minerals.

PART III

AMENDMENTS TO OTHER ENACTMENTS

This Part effects consequential amendments to other statutes that will be administered by the new Ministry or are affected by the Bill.

The scheme of this Part is to set out in alphabetical order, according to subject matter, a description of the statutes to be amended. The detailed amendments are specified generally in the Second Schedule.

Coal

Clause 16 amends other legislation relating to coal. The effect of this clause, and of the subsequent clauses in this Part of the Bill relating to legislation that affects the Mines Department, is to disestablish that Department and transfer its present functions to the Ministry.

Electricity

Clauses 17 and 18 amend other legislation relating to electricity. The amendments to *clause 17* have the effect (*inter alia*) of disestablishing the New Zealand Electricity Department and providing for its specific functions to be assumed by the new Ministry.

Energy Resources

Clause 19 repeals the legislation establishing the Ministry of Energy Resources. The functions of the new Ministry under Part II of this Bill include the functions that have been exercised until now by the Ministry of Energy Resources.

Clause 20 amends other legislation relating to energy resources.

Gas

Clause 21 amends other statutes relating to gas. The new Ministry will take over functions at present undertaken by the Mines Department and the Ministry of Energy Resources.

Geothermal Energy

Clause 22 amends enactments relating to geothermal energy. The Ministry of Energy will take over from the Ministry of Works and Development the administration of the Geothermal Energy Act 1953.

Minerals

Clause 23 amends other enactments relating to minerals, mining, and quarrying. The new Ministry will in particular take over the functions of the Mines Department under the Mining Act 1971.

Nuclear Energy

Clause 24 makes consequential amendments to the Atomic Energy Act 1945.

Petroleum

Clause 25 amends other statutes relating to petroleum. The new Ministry will take over in particular the functions presently carried out by the Mines Department in relation to petroleum.

Consequential Amendments to other Enactments

Clause 26 makes consequential amendments to the State Services Act 1962 and the Ombudsmen Act 1975, relating to the jurisdiction of the State Services Commission and the Ombudsmen respectively.

PART IV

MISCELLANEOUS PROVISIONS

Clause 27 makes special provision for the keeping of accounts by any company specified in the Third Schedule. The Offshore Mining Company Limited is for the time being the only company specified in the Third Schedule.

These provisions are similar to section 5A (6) of the Ministry of Energy Resources Act 1972, which will be repealed.

Clause 28 provides for the making of regulations for the administration of the Bill.

Clause 29 requires the new Ministry to report annually to Parliament.

Special provisions are contained in the Fourth Schedule for the disestablishment of the Natural Gas Corporation of New Zealand and the transfer of its undertaking to a company to be designated. The provisions of this Schedule will come into force on a date to be appointed by Order in Council, which may be the same date as or a different date from the other provisions of the Bill. The Order in Council will specify the designated company, and safeguards are included for the staff of the Corporation, and for affected shareholders and creditors.

Hon. Mr Gair

MINISTRY OF ENERGY

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A BILL INTITULED

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

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, 5
as follows:

1. Short Title and commencement—(1) This Act may be cited as the Ministry of Energy Act 1977.

(2) Subject to subsection (3) of this section, this Act shall come into force on a date to be appointed by the Governor-General by Order in Council. 10

(3) The Governor-General may, by the same or a separate Order in Council, bring into force the provisions of the Fourth Schedule to this Act on a different date from the other provisions of this Act. 15

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

“Committee” means a committee appointed under section 8 of this Act:

“Energy” means work or heat that is or may be produced or derived from coal, electricity, gas, geothermal activity, petroleum, petroleum products, uranium, water, or any other fuel or any other source whatsoever: 20

“Deputy Secretary” means a Deputy Secretary of Energy appointed in accordance with section 6 of this Act: 25

“Distribution” includes sale:

“Mineral” has the same meaning as it has in section 5 (1) of the Mining Act 1971: 30

“Minister” means the Minister of Energy:

“Ministry” means the Ministry of Energy established by section 3 of this Act:

“Secretary” means the Secretary of Energy appointed in accordance with section 5 of this Act: 35

“Terms and conditions”, in relation to employment, include remuneration.

PART I

THE MINISTRY OF ENERGY

3. **Establishment of Ministry**—There is hereby established a Department of State, to be called the Ministry of Energy.

5 4. **Minister of Energy**—(1) The Ministry shall be under the control of the Minister of Energy.

(2) The Minister may, from time to time, for the purposes of the carrying out of the functions, powers, and duties of the Ministry, give such directions as he thinks fit to the Secretary.

10 5. **Secretary of Energy**—There shall from time to time be appointed under the State Services Act 1962 a Secretary of Energy, who shall be the administrative head of the Ministry.

15 6. **Deputy Secretaries of Energy**—There shall from time to time be appointed under the State Services Act 1962 one or more Deputy Secretaries of Energy as may be necessary for the effective and efficient carrying out of the functions of the Ministry.

20 7. **Other officers and employees of Ministry**—(1) There shall from time to time be appointed under the State Services Act 1962 such other officers and employees of the Ministry as may be necessary for the effective and efficient carrying out of its functions.

25 (2) Every person who, immediately before the commencement of this Act, was under the State Services Act 1962 an officer or employee of—

(a) The New Zealand Electricity Department constituted under the Electricity Act 1968; or

30 (b) The Mines Department established as an instrument of the Crown under the control of the Minister of Mines; or

(c) The Ministry of Energy Resources established by section 3 of the Ministry of Energy Resources Act 1972—

35 shall on the commencement of this Act be deemed, without further appointment, to hold office as an officer or employee, as the case may be, of the Ministry of Energy under subsection (1) of this section.

(3) Every person who, immediately before the commencement of this Act, was employed by the Mines Department otherwise than under the State Services Act 1962 shall on the commencement of this Act be deemed, without further appointment, to be employed by the Ministry of Energy on the same terms and conditions as he was then employed by the Mines Department. 5

8. Committees—(1) The Minister may from time to time appoint such committees as he thinks fit to advise or otherwise assist the Minister or the Secretary on any matters relating to energy or minerals that the Minister may specify. 10

(2) Every member of a committee shall hold office at the pleasure of the Minister.

(3) Subject to this Act, and to any directions given to it by the Minister, every committee may regulate its own procedure. 15

(4) Every committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(5) There may, if the Minister so directs, be paid to any member of a committee, out of money appropriated by Parliament for the purpose,— 20

(a) Remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act 1951; and 25

(b) Travelling allowances and travelling expenses in accordance with that Act in respect of time spent travelling in the service of the committee.

(6) The Fees and Travelling Allowances Act 1951 shall apply accordingly. 30

(7) No person, by reason only of the fact that he is a member of a committee, shall be deemed to be employed in the service of the Crown for the purposes of the State Services Act 1962 or of the Government Superannuation Act 1956.

9. Delegation of powers by Minister—(1) The Minister may from time to time, either generally or particularly, delegate to the Secretary all or any of the powers exercisable by him as Minister under any enactment, including powers delegated to him as Minister under any enactment, but not including— 35

(a) The power of delegation conferred on him by this section; or 40

(b) The power to consent to a delegation under section 10 of this Act; or

(c) Any power conferred on him by Part III of the Mining Act 1971 or by any of sections 128, 129, and 145 of the Mining Act 1971.

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

(3) Until any delegation made under this section is revoked, it shall continue in force according to its tenor; and in the event of the Minister by whom the delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister.

(4) In the event of the Secretary to whom any such delegation has been made under this section ceasing to hold office, it shall continue to have effect as if made to the person who is for the time being holding office as Secretary or, if there is no Secretary or if the Secretary is absent from duty, to the person who is for the time being directed under the State Services Act 1962 to act in the place of the Secretary.

(5) Where the Secretary or any other person purports to act pursuant to any delegation made under this section, he shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

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

10. Delegation of powers by Secretary—(1) The Secretary may from time to time, either generally or particularly, delegate to such officer or officers or employce or employees of the Ministry as he thinks fit, all or any of the powers exercisable by him as Secretary under any enactment, including any powers delegated to him as Secretary under any enactment.

(2) Notwithstanding subsection (1) of this section—

- (a) The Secretary shall not delegate the power of delegation conferred on him by that subsection;
- (b) The Secretary shall not, without the written consent of the Minister, delegate any power delegated to him by the Minister; and

(c) The Secretary shall not, without the written consent of the State Services Commission, delegate any power delegated to him under the State Services Act 1962.

(3) Subject to any general or special directions given or conditions attached by the Secretary, every officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation. 5 10

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

(5) Every person purporting to act pursuant to any delegation made under this section shall in the absence of proof to the contrary be presumed to be acting in accordance with the terms of the delegation. 15

(6) Any delegation made under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Secretary. 20

(7) Any delegation made under this section shall, until revoked, continue in force according to its tenor, notwithstanding that the Secretary by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Secretary. 25

PART II

FUNCTIONS OF THE MINISTRY

11. General functions of Ministry in relation to energy policies—(1) The Ministry shall advise the Minister on the formulation, implementation, co-ordination, and continuing review of effective and efficient policies for New Zealand relating to energy. 30

(2) The Ministry shall also have such other functions as are necessary for the formulation, implementation, co-ordination, and continuing review of effective and efficient policies for New Zealand relating to energy, and for the due administration by the Ministry of this Act in relation to energy. 35

(3) In carrying out the functions specified in subsections (1) and (2) of this section, the Ministry shall take into account all relevant considerations relating to energy, including (*inter alia*)— 40

- (a) Sources of energy and energy resources;
 - (b) Exploration, discovery, assessment, research, development, production, processing, supply, distribution, uses, consumption, and conservation;
 - 5 (c) The separate needs of industry, commerce, transport, domestic users, and other classes of users, and of significant subclasses of those users;
 - (d) The needs and interests of New Zealand, and of particular regions and subregions within New Zealand;
 - 10 (e) The international responsibilities of New Zealand;
 - (f) Environmental and other social considerations;
 - (g) Appropriate methods of organisation for the best administration of effective policies relating to energy; and
 - 15 (h) Future needs, patterns, changes, and problems, and the need to plan for and influence such matters.
- (4) Without limiting the generality of the functions specified in subsections (1) and (2) of this section, or of the considerations specified in subsection (3) of this section, the
- 20 Ministry shall in particular—
- (a) Assess the levels and patterns of demand in New Zealand for energy, and for sources of energy, and wherever desirable formulate effective methods of influencing such demands in relation to available
 - 25 resources;
 - (b) Promote, encourage, and stimulate exploration for and the discovery of any kinds, forms, and sources of energy, and the co-ordination of such activities and, if the Minister so directs, itself undertake or
 - 30 commission such activities;
 - (c) Undertake, promote, and encourage the establishment, maintenance, development, and co-ordination of adequate sources of supply of energy for New Zealand;
 - 35 (d) Promote, encourage, and stimulate investigations, research, and studies into any matters relating to energy, and the co-ordination of such activities and, if the Minister so directs, itself undertake or commission such activities;
 - 40 (e) Promote, encourage, and stimulate efficient, economical, and co-ordinated methods in activities relating to energy;
 - (f) Promote, encourage, and stimulate efficient and economical uses of energy and sources of energy;

- (g) Consider all aspects of investment in activities relating to energy;
- (h) Formulate methods of influencing and promoting the conservation of energy;
- (i) Wherever desirable, publish and disseminate, and promote, encourage, and stimulate the publication and dissemination of information relating to energy; 5
- (j) Encourage co-operation and co-ordination among organisations and individuals (including Departments of State) that are concerned with matters relating to energy; 10
- (k) Make financial grants or loans to or subsidise, out of money appropriated by Parliament for the purpose, bodies and organisations that are engaged in activities relating to energy; and 15
- (l) If the Minister so directs, provide administrative, technical, and secretarial assistance to Departments of State, to statutory bodies, and to bodies corporate wholly owned by the Crown, that are concerned with matters relating to energy. 20

12. Control of prices—(1) The Minister shall exercise and perform, in relation to goods and services of the classes specified in subsection (4) of this section that may be made subject to price control under Part IV of the Commerce Act 1975, all the functions, powers, and duties conferred on the Minister of Trade and Industry under that Part of that Act. 25

(2) The Secretary shall exercise and perform, in relation to goods and services of the classes specified in subsection (4) of this section that may be made subject to price control under Part IV of the Commerce Act 1975, all the functions, powers, and duties conferred on the Secretary of Trade and Industry under that Part of that Act. 30

(3) In relation to the classes of goods and services specified in subsection (4) of this section,—

- (a) Every reference in Part IV of the Commerce Act and in sections 25, 66 (1) (a), and 130 (2) of that Act to the Minister shall accordingly hereafter be read as a reference to the Minister of Energy instead of the Minister of Trade and Industry; and 35

- (b) Every reference in that Part of that Act and in sections 2A, 14 (2), 15 (1), 19, 120A, 124 (2), 126 (c), 130, 132, and 133 (4) of that Act to the Secretary shall accordingly hereafter be read as a reference to the Secretary of Energy instead of the Secretary of Trade and Industry.
- (4) This section applies to goods and services of the following classes:
- (a) Coal, coal products, electricity, gas, geothermal energy, petroleum, petroleum products, and petrochemicals:
- (b) Any other goods being kinds, forms, or sources of energy, or products from sources of energy, that the Governor-General may from time to time, by Order in Council, declare to be goods to which this section applies:
- (c) Any services relating to matters concerning energy that the Governor-General may from time to time, by Order in Council, declare to be services to which this section applies.
- (5) In any case where the exercise of any function or power under this section by the Secretary of Energy may affect—
- (a) Retail margins for petroleum products; or
- (b) Exports from New Zealand or industrial production or industrial development in New Zealand—
- the Secretary of Energy shall consult with and consider the views of the Secretary of Trade and Industry before or in the course of the exercise of that function or power.
- (6) Where by virtue of the commencement of this section or of any Order in Council made under this section, the provisions of this section become applicable to any class of goods or services,—
- (a) Any prosecution for an offence against the Commerce Act 1975 that has been instituted in relation to any such goods or services before this section becomes applicable to them shall be continued and completed as if this section were not applicable; and
- (b) Any other matter or proceeding under that Act in relation to any such goods or services that is pending or in progress when this section becomes applicable to them shall be continued, completed, and perfected as if this section were not applicable.

13. General functions of Ministry in relation to minerals—

(1) The Ministry shall advise the Minister on the development and regulation of the mineral industry of New Zealand, and shall also have such other functions as are necessary for the development and regulation of that industry, and for the due administration of this Act in relation to minerals. 5

(2) Without limiting the generality of the functions specified in subsection (1) of this section, the Ministry shall in particular—

- (a) Promote and encourage exploration for and the discovery of minerals, and the proper development of the mineral resources of New Zealand; and 10
- (b) By providing advice and assistance, foster the development of the mineral industry of New Zealand.

14. Functions of Ministry under other enactments—The Ministry shall administer the enactments specified in the First Schedule to this Act. 15

15. Participation in operations—(1) The Minister may from time to time, on behalf of the Crown, either alone or jointly with any other person or persons, carry on any business relating to exploration for or the discovery, production, processing, supply, distribution, uses, or conservation of energy, sources of energy, products from energy or sources of energy, minerals, and mineral products; and in particular but without limiting the generality of this section may— 20 25

- (a) Establish or promote, or concur in or support the establishing or promoting, of any body corporate having power to carry on any such business;
- (b) Subscribe for, purchase, or otherwise acquire, and sell or otherwise dispose of shares, stocks or interests, and otherwise participate in, any body corporate, firm, partnership, or joint venture (whether established before or after the commencement of this Act) having power to engage in any such business; 30 35
- (c) Exercise all of the rights and powers of the Crown as the holder of any shares, stocks, and interests in any such undertaking; and
- (d) Purchase or otherwise acquire any kinds, forms, or sources of energy, or minerals, from any such undertaking. 40

(2) The Minister of Finance may from time to time, on behalf of the Crown advance money on such terms as he thinks fit to any undertaking referred to in subsection (1) of this section in which the Minister of Energy holds any shares,
5 stock, or interests.

(3) All money required to be paid by the Crown under this section shall, without further appropriation than this section, be paid out of the Consolidated Revenue Account or the National Development Loans Account.

10 (4) Where any money is required to be paid under this section, and the money is paid out of the National Development Loans Account, the authority of the Minister of Finance to borrow money under section 11 of the New Zealand Loans Act 1953 shall be deemed to be extended
15 as if the money so paid had been authorised to be transferred from the National Development Loans Account to another fund or account as mentioned in that section.

(5) Where any undertaking referred to in subsection (1) of this section is wholly owned, legally or beneficially, by the
20 Crown, the terms and conditions of employment of the officers and employees of the undertaking shall be determined by the undertaking in agreement with the State Services Commission, or by the Minister in the absence of agreement.

(6) The Crown, acting through any Department of State,
25 may from time to time at the request of any undertaking referred to in subsection (1) of this section—

(a) Execute any work or provide any service for or supply any goods, stores, or equipment to the undertaking; or

30 (b) Enter into contracts or arrangements with any other persons for the execution or provision of any work or service by the Department for the undertaking, or for the supply of any goods, stores, or equipment by the Department to it—

35 on such terms and conditions as may be agreed on.

(7) The Minister may from time to time, on behalf of the Crown,—

40 (a) Transfer, exchange, or otherwise dispose of any kind, form, or source of energy (except electricity) purchased or otherwise acquired by him under this Act to any Department of State; and

(b) Sell, exchange, or otherwise dispose of any kind, form, or source of energy (except electricity) purchased or otherwise acquired by him under this Act to any body corporate, firm, partnership, joint venture, or person. 5

(8) All money received by the Crown under subsection (6) or subsection (7) of this section shall be received into the Consolidated Revenue Account.

(9) The Minister may from time to time, on behalf of the Crown, contract with any body corporate, firm, partnership, or person to act as agent for all or part of a contract, deed, agreement, or other instrument that the Minister has entered into under this section. 10

(10) The Minister may from time to time, on behalf of the Crown, enter into and execute agreements, contracts, deeds, and other instruments for the purposes of this section, and do all other acts and things that are reasonably necessary for such purposes. 15

(11) The Minister shall cause accounts (including a balance sheet) in accordance with the directions of the Minister of Finance under section 103 of the Public Revenues Act 1953 to be prepared for each financial year of all money received and paid by him under this section. 20

(12) A copy of the accounts, duly audited by the Audit Office, shall be laid before Parliament during the session of Parliament first ensuing after the end of the financial year to which the accounts relate. 25

(13) The powers conferred on the Minister by this section are in addition to any other powers conferred on him or on the Ministry by any enactment. 30

PART III

AMENDMENTS TO OTHER ENACTMENTS

Coal

16. Amendments to enactments relating to coal—(1) The enactments specified in Part I of the Second Schedule to this Act are hereby amended in the manner indicated in that Part of that Schedule. 35

(2) Unless in any case the context otherwise requires, every reference in any other enactment or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever in force at the commencement of this Act— 40

- (a) To the Minister of Mines, shall hereafter be read as a reference to the Minister of Energy:
 - (b) To the Mines Department, shall hereafter be read as a reference to the Ministry of Energy:
 - 5 (c) To the Secretary of Mines, shall hereafter be read as a reference to the Secretary of Energy:
 - (d) To any other officer or employee of the Mines Department, shall hereafter be read as a reference to an officer or employee, as the case may require, of the Ministry of Energy.
- 10

Electricity

17. Amendment of Electricity Act 1968—(1) The Electricity Act 1968 is hereby amended by repealing section 6 (which relates to the functions of the New Zealand Electricity Department), and substituting the following section:

15

“6. Principal functions of Ministry of Energy under this Act—Subject to section 11 of the Ministry of Energy Act 1977, the Ministry shall have the following principal functions under this Act:

- 20 “(a) To initiate, organise, co-ordinate, continue, and maintain the production, transmission, and supply of electricity:
 - “(b) To encourage the development and improvement of systems of supply of electricity:
 - 25 “(c) To seek to ensure standards of safety, efficiency, and economy of operation in respect of the production, transmission, and supply of electricity:
 - “(d) To initiate and carry out surveys in respect of the supply and use of electricity:
 - 30 “(e) To advise Government departments on all matters affecting electricity:
 - “(f) To carry out such functions in respect of and incidental to the production, transmission, and supply of electricity as the Minister may from time to time direct.”
- 35

(2) The Electricity Act 1968 is hereby further amended in the manner indicated in Part II of the Second Schedule to this Act.

18. Amendments to other enactments relating to electricity—(1) The enactments specified in Part II of the Second Schedule to this Act (in addition to the Electricity Act 1968) are hereby amended in the manner indicated in that Part of that Schedule. 5

(2) The Electricity Amendment Act 1973 is hereby consequentially repealed.

(3) Unless in any case the context otherwise requires, every other reference in any other enactment or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever in force at the commencement of this Act— 10

(a) To the Minister of Electricity, shall hereafter be read as a reference to the Minister of Energy:

(b) To the New Zealand Electricity Department, shall hereafter be read as a reference to the Ministry of Energy: 15

(c) To the General Manager of the New Zealand Electricity Department, shall hereafter be read as a reference to the Secretary of the Ministry of Energy: 20

(d) To any other officer or employee of the New Zealand Electricity Department, shall hereafter be read as a reference to an officer or employee, as the case may require, of the Ministry of Energy. 25

Energy Resources

19. Repeal of enactments constituting Ministry of Energy Resources—(1) The following enactments are hereby repealed:

(a) The Ministry of Energy Resources Act 1972: 30

(b) The Ministry of Energy Resources Amendment Act 1973.

(2) From the commencement of this Act, all shares, stocks, interests, and other rights that immediately before the commencement of this Act, were vested in or held by the Minister of Energy Resources on behalf of the Crown pursuant to section 5A of the Ministry of Energy Resources Act 1972 (as inserted by section 2 of the Ministry of Energy Resources Amendment Act 1973) shall without further authority than this section vest in or be held by, as the case may require, the Minister of Energy on behalf of the Crown, in accordance with section 15 of this Act; and from the commencement of 35 40

this Act, all liabilities of the Minister of Energy Resources on behalf of the Crown under that section of that Act immediately before the commencement of this Act shall become liabilities of the Minister of Energy on behalf of the Crown
5 in accordance with section 15 of this Act.

20. Amendments to other enactments relating to energy resources—(1) The Energy Resources Levy Act 1976 is hereby amended in the manner indicated in Part III of the Second Schedule to this Act.

10 (2) Unless in any case the context otherwise requires, every reference in any other enactment or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever in force at the commencement of this Act—

- 15 (a) To the Minister of Energy Resources, shall hereafter be read as a reference to the Minister of Energy:
(b) To the Ministry of Energy Resources, shall hereafter be read as a reference to the Ministry of Energy:
20 (c) To the Commissioner of Energy Resources, shall hereafter be read as a reference to the Secretary of Energy:
(d) To an Assistant Commissioner of Energy Resources, shall hereafter be read as a reference to a Deputy Secretary of Energy:
25 (e) To any other officer or employee of the Ministry of Energy Resources, shall hereafter be read as a reference to an officer or employee, as the case may require, of the Ministry of Energy.

Gas

30 **21. Amendments to enactments relating to gas**—The enactments specified in Part IV of the Second Schedule to this Act are hereby amended in the manner indicated in that Part of that Schedule.

Geothermal Energy

35 **22. Amendments to enactments relating to geothermal energy**—The enactments specified in Part V of the Second Schedule to this Act are hereby amended in the manner indicated in that Part of that Schedule.

Minerals

23. Amendments to enactments relating to minerals—
The enactments specified in Part VI of the Second Schedule to this Act (which relate to minerals, mining, and quarries) are hereby amended in the manner indicated in that Part of that Schedule. 5

Nuclear Energy

24. Amendment of Atomic Energy Act 1945—The Atomic Energy Act 1945 is hereby amended in the manner indicated in Part VII of the Second Schedule to this Act. 10

Petroleum

25. Amendments to enactments relating to petroleum—
The enactments specified in Part VIII of the Second Schedule to this Act are hereby amended in the manner indicated in that Part of that Schedule. 15

Consequential Amendments to other Enactments

26. Consequential amendments—The enactments specified in Part IX of the Second Schedule to this Act (which relate to the State Services and to the jurisdiction of the Ombudsmen) are hereby amended in the manner indicated in that Part of that Schedule. 20

PART IV

MISCELLANEOUS PROVISIONS

27. Special provisions for scheduled undertakings in respect of energy—(1) Notwithstanding any provision to the contrary in the Companies Act 1955— 25

- (a) The accounts of any company for the time being specified in the Third Schedule to this Act shall be kept in a form to be approved by the Minister of Finance; and 30
- (b) Those accounts shall be audited by the Audit Office, which for that purpose shall have all the powers that it has under the Public Revenues Act 1953 in respect of public money and public stores and persons dealing with public money and public stores. 35

(2) Nothing in sections 151 to 153 or in sections 163 to 166 of the Companies Act 1955 shall apply to any company that is for the time being specified in the Third Schedule to this Act.

5 **28. Regulations**—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

10 (a) Requiring specified classes of users of energy or of sources of energy to supply to the Secretary prescribed information as to—

(i) The kinds, forms, and sources of energy used by them;

(ii) The purposes for which they are so used;

15 (iii) The means by which they are so used; and

(iv) Changes or proposed changes in the kinds, forms, or sources of energy so used, or in the quantities so used;

20 (b) Providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(2) No person who becomes aware of any information referred to in subsection (1) (a) of this section that is supplied pursuant to any regulation made under this section shall wilfully divulge that information to any other person
25 unless—

(a) The person to whom the information is divulged is an officer or employee of the Ministry and the information is divulged to him for the purposes of carrying this Act into effect; or

30 (b) The person to whom the information relates consents to its being so divulged.

(3) Every person who contravenes subsection (2) of this section commits an offence against this Act and is liable on summary conviction to imprisonment for a term not exceeding 35 3 months or to a fine not exceeding \$1000 or to both.

29. Annual reports—(1) The Secretary shall as soon as practicable after the end of each financial year furnish to the Minister a report on the operations of the Ministry for that year (other than the operations in respect of which
40 reports are required under section 184 (1) of the Coal Mines Act 1925).

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

SCHEDULES

FIRST SCHEDULE

Section 14

ACTS ADMINISTERED BY THE MINISTRY OF ENERGY

Enactments relating to Coal

1925, No. 39—The Coal Mines Act 1925.

Enactments relating to Electricity

- 1915, No. 65—The Lake Coleridge Water Power Act 1915.
1925, No. 38—The Electric Power Boards Act 1925.
1930, No. 42—The Electrical Supply Authorities Association Act 1930.
1936, No. 25—The Southland Electric Power Supply Act 1936.
1952, No. 73—The Electricians Act 1952.
1959, No. 46—The Electric Linemen Act 1959.
1963, No. 23—The Manapouri - Te Anau Development Act 1963.
1968, No. 125—The Electricity Act 1968.

Enactments relating to Energy Resources

1976, No. 71—The Energy Resources Levy Act 1976.

Enactments relating to Gas

- 1908, No. 69—The Gas Supply Act 1908.
1958, No. 43—The Gas Industry Act 1958.
1967, No. 41—The Natural Gas Corporation Act 1967.

Enactments relating to Geothermal Energy

1953, No. 102—The Geothermal Energy Act 1953.

Enactments relating to Minerals

- 1959, No. 100—The Iron and Steel Industry Act 1959.
1944, No. 13—The Quarries Act 1944.
1971, No. 25—The Mining Act 1971.

Enactments relating to Nuclear Energy

1945, No. 41—The Atomic Energy Act 1945.

Enactments relating to Petroleum

- 1937, No. 27—The Petroleum Act 1937.
1970, No. 144—The Kapuni Petroleum Act 1970.
1976, No. 155—The International Energy Agreement Act 1976.

Ministry of Energy

SECOND SCHEDULE

ENACTMENTS AMENDED

Section 16 (1)*Part I**Enactments relating to Coal*

Title of Act	Amendment
1925, No. 39—The Coal Mines Act 1925	<p>By repealing the definition of the term "Minister" in section 2, and substituting the following definition:</p> <p style="padding-left: 40px;">"Minister" means the Minister of Energy."</p> <p>In section 2, by omitting the definition of the term "Secretary" (as inserted by section 2 (5) of the Coal Mines Amendment Act 1972), and substituting the following definition:</p> <p style="padding-left: 40px;">"Secretary" means the Secretary of Energy appointed in accordance with the Ministry of Energy Act 1977."</p> <p>In sections 42 and 166 respectively (as amended by section 247 (4) of the Mining Act 1971), by omitting the words "Secretary of Mines", and substituting in each case the word "Secretary".</p> <p>In section 170A (as inserted by section 9 of the Coal Mines Amendment Act 1953), by omitting from subsections (1), (2), and (4) respectively the words "of Mines", and substituting in each case the words "of Energy".</p> <p>In sections 166 and 192 (1) (m) respectively, by omitting the words "Mines Department", and substituting in each case the words "Ministry of Energy".</p>
1932, No. 30—The Finance Act, 1932 (No. 2)	By omitting the words "of Mines" from section 7.
1933, No. 48—The Coal-mines Amendment Act, 1933	By omitting the words "of Mines" from section 2.
1953, No. 105—The Coal Mines Amendment Act 1953	In sections 16 (1) (b) and 21 (2) respectively (as amended by section 247 (4) of the Mining Act 1971), by omitting the words "Secretary of Mines", and substituting in each case the words "Secretary of Energy".
1961, No. 33—The Coal Mines Amendment Act 1961	By repealing section 5.

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Part II Sections 17 (2) and 18 (1)

Enactments relating to Electricity

Title of Act	Amendment
1925, No. 38—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4)	<p>By repealing the definition of the term “Minister” in section 2 (1) (as inserted by section 4 (2) of the Electricity Amendment Act 1958) and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Energy:”</p> <p>In section 77 (as substituted by section 5 of the Electric Power Boards Amendment Act 1969—</p> <p>(a) By omitting from subsection (2) the words “shall be subject to the provisions of the Electricity Distribution Commission Act 1967 and”:</p> <p>(b) By omitting from subsection (3) the words “to the provisions of the Electricity Distribution Commission Act 1967 and”.</p>
1928, No. 21—The Public Works Act 1928 (Reprinted 1975, Vol. 3, p. 2283)	<p>By omitting the words “and this Part” from section 329.</p>
1930, No. 42—The Electrical Supply Authorities Association Act 1930 (Reprinted 1976, Vol. 5)	<p>By omitting the words “Minister of Electricity” from section 11 (e) (i) (as amended by section 4 (2) of the Electricity Amendment Act 1958), and substituting the words “Minister of Energy”.</p>
1936, No. 25—The Southland Electric-Power Supply Act 1936	<p>In sections 8 (2) (e) and 9 respectively (as so amended), by omitting the words “Minister of Electricity”, and substituting in each case the words “Minister of Energy”.</p>
1950, No. 93—The Finance Act 1950	<p>By repealing the definition of the term “Minister” in section 42 (1) (as so amended), and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Energy:”.</p>

*Ministry of Energy*SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part II—continued**Enactments relating to Electricity—continued*

Title of Act	Amendment
1952, No. 73—The Electricians Act 1952	<p>By inserting after the definition of the term “Registrar”, in section 2, the following definition:</p> <p>“‘Secretary’ means the Secretary of Energy appointed in accordance with the Ministry of Energy Act 1977:”</p> <p>In sections 3 (2), 3 (3), 3 (4), 4 (2), 4 (3), 5, 20A (2), 23, 24 (2), 26 (4), 27 (1), 27 (6), 28 (1), 29, and 33 (1) (b) respectively, by omitting the words “General Manager of the New Zealand Electricity Department” wherever they occur, and substituting in each case the word “Secretary”.</p> <p>In section 5 (5) (as amended by section 4 (3) of the Electricity Amendment Act 1958) by omitting the words “New Zealand Electricity Department”, in the second place where they occur, and substituting the words “Ministry of Energy”.</p> <p>In section 24 (2) (as substituted by section 13 (1) of the Electricians Amendment Act 1966) by omitting the words “General Manager”, in the second place where they occur, and substituting the word “Secretary”.</p> <p>By repealing section 38 (as amended by section 4 (3) of the Electricity Amendment Act 1958).</p>
1959, No. 46—The Electric Linemen Act 1959 (Reprinted 1976, Vol. 4)	<p>By repealing the definition of the term “Department” in section 2.</p> <p>In section 2, by repealing the definition of the term “Minister”, and substituting the following definitions:</p> <p>“‘Minister’ means the Minister of Energy:</p> <p>“‘Ministry’ means the Ministry of Energy established by the Ministry of Energy Act 1977:”.</p> <p>By omitting the word “Department” in section 3 (2), and substituting the word “Ministry”.</p> <p>By repealing section 26.</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Part II—*continued*

Enactments relating to Electricity—continued

Title of Act	Amendment
1968, No. 125—The Electricity Act 1968	<p>By omitting from the definition of the term “authorised officer”, in section 2, the words “General Manager of the New Zealand Electricity Department”, and substituting the word “Secretary”.</p> <p>By repealing the definition of the term “Department” in section 2.</p> <p>In section 2, by repealing the definition of the term “General Manager”, and substituting in its appropriate alphabetical order the following definition: “Secretary’ means the Secretary of Energy appointed in accordance with the Ministry for Energy Act 1977”.</p> <p>In section 2, by repealing the definition of the term “Minister”, and substituting the following definitions: “Minister’ means the Minister of Energy: “Ministry’ means the Ministry of Energy established by the Ministry of Energy Act 1977.”</p> <p>By repealing section 3.</p> <p>By repealing section 4.</p> <p>By repealing section 5.</p> <p>In section 7 (1), by inserting before the word “It” the words “Subject to section 11 of the Ministry of Energy Act 1977.”</p> <p>In sections 7 (1), 7 (2), 7 (3), 11 (2) (i), 30 (1) (b), 39 (8), 52A, and 53 (1) respectively, by omitting the word “Department”, wherever it occurs, and substituting in each case the word “Ministry”.</p> <p>By repealing section 7 (2) (a).</p> <p>In sections 7 (2) (e), 7 (3), and 19 (1) respectively, by omitting the words “General Manager”, and substituting in each case the word “Secretary”.</p>

Ministry of Energy

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*Part II—*continued**Enactments relating to Electricity—continued*

Title of Act	Amendment
<p>1968, No. 125—The Electricity Act 1968—<i>continued</i></p>	<p>In section 7A (2) (as inserted by section 4 of the Electricity Amendment Act 1976), by repealing the definition of the term “authorised officer”, and substituting the following definition:</p> <p>“‘Authorised officer’ means—</p> <p>“(a) The Secretary:</p> <p>“(b) Any officer or employee of the Ministry to whom the Secretary has delegated under <u>section 10</u> of the Ministry of <u>Energy Act 1977</u> the power to enter on premises:</p> <p>“(c) The chief executive officer of any Electrical Supply Authority to whom the Secretary has delegated the power to enter on premises under section 9 of this Act:</p> <p>“(d) Any responsible officer or employee of an Electrical Supply Authority to whom the chief executive officer of the Authority has delegated the power to enter on premises under section 9 of this Act:”.</p> <p>By repealing section 8.</p> <p>By repealing section 8A.</p> <p>By repealing section 9 (as amended by section 5 of the Electricity Amendment Act 1976), and substituting the following section:</p> <p>“9. Delegation of powers to responsible officers and employees of Electrical Supply Authorities—(1) The Secretary may from time to time, either generally or particularly, delegate to the chief executive officer of any Electrical Supply Authority—</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Part II—*continued*

Enactments relating to Electricity—*continued*

Title of Act	Amendment
<p>1968, No. 125—The Electricity Act 1968—<i>continued</i></p>	<p>“(a) All or any of the powers exercisable by the Secretary pursuant to section 7 (2) (e) of this Act; and</p> <p>“(b) The power (exercisable by the Secretary pursuant to section 7 (3) of this Act) to enter on any premises; and</p> <p>“(c) The power to delegate, either generally or particularly, to any responsible officer or employee of the Authority, all or any of the powers referred to in paragraphs (a) and (b) of this subsection.</p> <p>“(2) The provisions of <u>section 10</u> of the Ministry of Energy Act <u>1977</u> shall apply to any delegation by the Secretary or a chief executive officer pursuant to this section in the same manner and to the same extent as they apply to a delegation by the Secretary under that section.”</p> <p>By repealing section 10.</p> <p>In sections 11 (1) and 11 (2) (j) respectively, by omitting the words “of Electricity”.</p> <p>In sections 33 (1) (a), 34 (1), and 34 (2) respectively, by omitting the words “of Electricity”, wherever they occur, and substituting in each case the words “of Energy”.</p> <p>By repealing paragraph (a) of section 35 (2), and substituting the following paragraph:</p> <p>“(a) The Secretary, who shall be the Chairman of the Council”.</p> <p>By repealing section 37 (2).</p> <p>By omitting from section 53 (2A) (as inserted by section 5 of the Electricity Amendment Act 1969) the words “General Manager or any officer or employee of the Department”, and substituting the words “Secretary or any officer or employee of the Ministry”.</p> <p>By repealing the First Schedule.</p>

Ministry of Energy

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part II—continued**Enactments relating to Electricity—continued*

Title of Act	Amendment
1976, No. 38—The Electricity Amendment Act 1976	By repealing section 2. By repealing section 5.

Section 20 (1)*Part III**Enactment relating to Energy Resources*

Title of Act	Amendment
1976, No. 71—The Energy Resources Levy Act 1976	<p>By omitting from the definition of the term “agent” in section 2 (1) the word “Commissioner”, and substituting the word “Secretary”.</p> <p>In section 2 (1), by repealing the definition of the term “Commissioner”, and substituting in its appropriate alphabetical order the following definition:</p> <p style="padding-left: 40px;">“‘Secretary’ means the Secretary of Energy appointed in accordance with the Ministry of Energy Act 1977.”</p> <p>In sections 8, 9, 11, 12 (1), 12 (2), 12 (3), 12 (4), 12 (5), 12 (7), 13, 15, 16 (3), 17 (3) (b), 17 (4), 18, 21 (1) (b), 21 (1) (f), 25, 26, 29 (d), 32, 33 (1), 33 (2), 33 (3), 34, 35, 36, and 37 (1) (b) respectively, by omitting the word “Commissioner”, wherever it occurs, and substituting in each case the word “Secretary”.</p> <p>By omitting the words “Ministry of Energy Resources and the Mines Department” from section 37 (1) (a), and substituting the words “Ministry of Energy”:</p> <p>By repealing section 38.</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Part IV

Section 21

Enactments relating to Gas

Title of Act	Amendment
1958, No. 43—The Gas Industry Act 1958	<p>By repealing the definition of the term “Minister” in section 2 (as amended by section 13 of the Ministry of Energy Resources Act 1972), and substituting the following definition: “‘Minister’ means the Minister of Energy.”.</p> <p>By repealing paragraph (c) of section 3 (2) (as amended by section 13 of the Ministry of Energy Resources Act 1972), and substituting the following paragraph: “(c) One person, who shall be an officer of the Ministry of Energy.”.</p> <p>By repealing section 3 (2) (e).</p> <p>By omitting the words “Minister of Mines” from section 20, and substituting the words “Minister of Energy”.</p>
1967, No. 41—The Natural Gas Corporation Act 1967	<p>By repealing the definition of the term “Minister” in section 2, and substituting the following definition: “‘Minister’ means the Minister of Energy.”.</p>

Part V

Section 22

Enactments relating to Geothermal Energy

Title of Act	Amendment
1928, No. 21—The Public Works Act 1928 (Reprinted 1975, Vol. 3, p. 2283)	<p>By omitting from the Fourteenth Schedule (as added by section 23 of the Public Works Amendment Act 1973) the item relating to the Geothermal Energy Act 1953.</p>
1953, No. 102—The Geothermal Energy Act (Reprinted 1975, Vol. 3, p. 2019)	<p>By repealing the definition of the term “Minister” in section 2 (as amended by section 2 (4) (a) of the Public Works Amendment Act 1973), and substituting the following definition: “‘Minister’ means the Minister of Energy.”.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part V—continued**Enactments relating to Geothermal Energy—continued*

Title of Act	Amendment
1953, No. 102—The Geothermal Energy Act— <i>continued</i>	<p>In section 8 (as amended by section 2 (4) (a) of the Public Works Amendment Act 1973), by omitting the words “Minister of Works and Development”, wherever they occur in subsection (1), and substituting in each case the words “Minister of Energy”.</p> <p>In section 11 (as amended by the Electricity Act 1968),—</p> <p>(a) By omitting the words “Minister of Electricity”, wherever they occur in subsections (1), (2), (3), and (4) respectively, and substituting in each case the word “Minister”;</p> <p>(b) By omitting the words “that Minister”, wherever they occur in subsection (4), and substituting in each case the words “the Minister”.</p> <p>By inserting, after section 16, the following section:</p> <p>“16A. Certificate of Minister of Works and Development for evidentiary purposes—(1) Where the Minister of Works and Development is satisfied, after due inquiry,—</p> <p>“(a) That any circumstances described in paragraph (a) or paragraph (b) of section 6 (6), or paragraph (a) or paragraph (b) of the proviso to section 9 (9), or paragraph (a) of section 12 (1) of this Act exist; or</p> <p>“(b) That for the purposes of section 12 (1) of this Act, any bore is affecting detrimentally other specified bores, or the supplies of geothermal energy for other specified bores, or a specified tourist attraction—</p> <p>he may give a certificate in writing to that effect to the Minister of Energy.</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Part V—continued

Enactments relating to Geothermal Energy—continued

Title of Act	Amendment
1953, No. 102—The Geothermal Energy Act— <i>continued</i>	<p>“(2) Where the Minister of Energy receives a certificate under subsection (1) of this section, he may regard the certificate as sufficient evidence of the existence of the matters as to which the Minister of Works and Development has certified that he is satisfied.”</p> <p>By adding to section 17 the following subsection:</p> <p>“(4) Every licence and authority granted under this Act by the Minister of Works and Development before the commencement of the Ministry of Energy Act 1977, so far as that licence or authority is in force immediately before the commencement of that Act, shall be deemed to have been granted by the Minister of Energy under this Act.”</p>

Part VI

Section 23

Enactments relating to Minerals

Title of Act	Amendment
1944, No. 13—The Quarries Act 1944	<p>By repealing the definition of the term “Minister” in section 2 (1), and substituting the following definition:</p>
1959, No. 100—The Iron and Steel Industry Act 1959	<p>“‘Minister’ means the Minister of Energy:”.</p>
	<p>By repealing the definition of the term “Minister” in section 2, and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Energy:”.</p> <p>In section 7A (as inserted by section 4 of the Iron and Steel Industry Amendment Act 1965), by omitting the words “of Mines”, wherever they occur in subsections (1), (2), and (5) respectively, and substituting in each case the words “of Energy”.</p>

*Ministry of Energy*SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part VI—continued**Enactments relating to Minerals—continued*

Title of Act	Amendment
1962, No. 248—The Mining Tenures Registration Act 1962	In sections 4 (11), 7 (7), and 12 (1) (c) respectively, by omitting the words “Minister of Mines” and substituting in each case the words “Minister of Energy”.
1971, No. 25—The Mining Act 1971	<p>By repealing the definition of the term “Minister” in section 5 (1), and substituting the following definition: “Minister” means the Minister of Energy.”.</p> <p>By repealing the definition of the term “Secretary” in section 5 (1), and substituting the following definition: “Secretary” means the Secretary of Energy appointed in accordance with the Ministry of Energy Act 1977.”.</p> <p>In sections 26 (5), 58 (2), 58 (3), and 163 (2) (a) respectively, by omitting the words “of Mines” wherever they occur, and substituting in each case the words “of Energy”.</p> <p>In sections 153 (4), 154 (4), and 233 (d) respectively, by omitting the words “Mines Department” wherever they occur, and substituting in each case the words “Ministry of Energy”.</p> <p>By repealing section 241. By repealing section 242. By repealing section 244. By repealing section 247 (4).</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Part VII

Section 24

Enactments relating to Nuclear Energy

Title of Act	Amendment
<p>1945, No. 41—The Atomic Energy Act 1945</p>	<p>By repealing the definition of the term “Minister” in section 2, and substituting the following definition: “‘Minister’ means the Minister of Energy.”</p> <p>In sections 4, 4A (2), and 4B (3) respectively (as amended by section 247 (4) of the Mining Act 1971), by omitting the words “Secretary of the Mines Department”, and substituting in each case the words “Secretary of Energy”.</p> <p>By omitting the words “of Mines” from section 16 (1), and substituting the words “of Energy”.</p>

Enactments relating to Petroleum

Title of Act	Amendment
1937, No. 27—The Petroleum Act 1937 (Reprinted 1976, Vol. 5)	<p>By repealing the definition of the term “Minister” in section 2 (1) (as substituted by section 2 of the Petroleum Amendment Act 1975), and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Energy.”</p> <p>By repealing the definition of the term “Secretary” in section 2 (1) (as so substituted), and substituting the following definition:</p> <p>“‘Secretary’ means the Secretary of Energy appointed in accordance with the Ministry of Energy Act 1977.”</p> <p>In sections 29 (4), 30 (4), and 32 (3) respectively (as substituted by section 3 of the Petroleum Amendment Act 1975), by omitting the words “of Mines”, and substituting in each case the words “of Energy”.</p> <p>By repealing section 37 (as so substituted). By repealing section 47F (as so substituted). By omitting the reference to the Secretary of Mines in section 51 (as substituted by section 3 of the Petroleum Amendment Act 1962 and amended by section 247 (4) of the Mining Act 1971), and substituting the word “Secretary”.</p>
1964, No. 28—The Continental Shelf Act 1964	<p>In sections 5 (2), 5 (4), and 9 (2) (a) respectively, by omitting the words “Minister of Mines”, and substituting the words “Minister of Energy”.</p>
1970, No. 144—The Kapuni Petroleum Act 1970	<p>By repealing the definition of the term “Minister” in section 2 (as amended by section 2 (6) of the Trade and Industry Amendment Act 1972), and substituting the following definition:</p> <p>“‘Minister’ means the Minister of Energy.”</p>

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Part IX

Section 26

Consequential Amendments to other Enactments

Title of Act	Amendment
<p>1962, No. 132—The State Services Act 1962 (Reprinted 1971, Vol. 4, p. 2533)</p>	<p>By omitting from the Second Schedule (as amended by section 13 of the Ministry of Energy Resources Act 1972) the items relating to the New Zealand Electricity Department, the Mines Department, and the Ministry of Energy Resources respectively.</p> <p>By substituting in the Second Schedule, in place of the item relating to the Ministry of Energy Resources, the item "Ministry of Energy".</p> <p>By omitting from the Third Schedule (as substituted by section 4 (1) of the State Services Amendment Act 1973) the items relating to Electricity, Energy Resources, and Mines respectively.</p> <p>By substituting in the Third Schedule, in place of the item relating to Energy Resources, the following item:</p> <p>"Energy Secretary. Deputy Secretary. Assistant Secretary."</p>
<p>1975, No. 9—The Ombudsmen Act 1975</p>	<p>By omitting from Part I of the First Schedule the items relating to the Mines Department, the Ministry of Energy Resources, and the New Zealand Electricity Department respectively.</p> <p>By substituting in Part I of the First Schedule, in place of the item relating to the Ministry of Energy Resources, the following item:</p> <p>"The Ministry of Energy."</p>

THIRD SCHEDULE Section 27 (1) and (2)

COMPANIES SUBJECT TO SPECIAL ADMINISTRATIVE PROVISIONS

1. Offshore Mining Company Limited, a company duly incorporated under the Companies Act 1955.

Section (1) 3

FOURTH SCHEDULE

SPECIAL PROVISIONS RELATING TO THE NATURAL GAS CORPORATION OF
NEW ZEALAND

1. The following enactments are hereby repealed:
 - (a) The Natural Gas Corporation Act 1967:
 - (b) The Natural Gas Corporation Amendment Act 1973:
 - (c) The Natural Gas Corporation Amendment Act 1976:
 - (d) The item in the First Schedule to this Act relating to the Natural Gas Corporation Act 1967:
 - (e) The item in Part IV of the Second Schedule to this Act relating to the Natural Gas Corporation Act 1967.

2. On the commencement of the provisions of this Schedule—
 - (a) All the assets, rights, interests, and liabilities of the Natural Gas Corporation of New Zealand established by the Natural Gas Corporation Act 1967 shall without further authority than this section vest in and become the assets, rights, interests, and liabilities of the designated company; and
 - (b) Every officer or employee of the Natural Gas Corporation of New Zealand shall without further appointment become an officer or employee, as the case may require, of the designated company, on terms and conditions of employment that are not less favourable than those on which he was employed in the Natural Gas Corporation of New Zealand.

3. In this Schedule, “the designated company” means a company to be designated for the purposes of this Schedule in the Order in Council bringing into force the provisions of this Schedule.

4. A company may not be designated for the purposes of this Schedule unless—

- (a) Every shareholder of the company has consented in writing to the designation; and
- (b) The Controller and Auditor-General has certified in writing to the Minister that, at the commencement of the provisions of this Schedule, the assets of the company (including the assets of the Natural Gas Corporation of New Zealand vesting in it by virtue of paragraph 2 of this Schedule) will be sufficient to meet all of the liabilities of the company (including the liabilities taken over by it from the Corporation by virtue of paragraph 2 of this Schedule) except—
 - (i) Those liabilities that are owing to or guaranteed by the Crown; and
 - (ii) Returned profits.