

Reprint
as at 1 July 2013



Atomic Energy Act 1945

Public Act 1945 No 41
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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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An Act to make provision for the control in New Zealand of the means of producing atomic energy and for that purpose to provide for the control of the mining and treatment of the ores of uranium and other elements which may be used for the production of atomic energy, and to provide for the vesting of such substances in the Crown

1 Short Title

This Act may be cited as the Atomic Energy Act 1945.

2 Interpretation

In this Act, unless the context otherwise requires,—

atomic energy means the energy released from atomic nuclei as a result of any process, including the fission process; but does not include energy released in any process of natural transmutation or radioactive decay which is not accelerated or influenced by external means

Minister means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Minister of Research, Science, and Technology means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Research, Science, and Technology Act 2010

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

prescribed substance means uranium, thorium, plutonium, neptunium, or any of their respective compounds, or any such other substance as the Minister may prescribe by notice in the *Gazette*, being a substance which in his opinion is or may be used for the production of atomic energy or research into matters connected therewith

Secretary means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

uranium includes thorium and all natural substances, chemical compounds, and physical combinations of uranium or thorium.

Section 2 **atomic energy**: replaced, on 4 October 1957, by section 2(1) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 2 **Minister**: replaced, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

Section 2 **Minister for Scientific and Industrial Research**: repealed, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 2 **Minister of Research, Science, and Technology**: inserted, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 2 **Minister of Research, Science, and Technology**: amended, on 1 February 2011, by section 18 of the Research, Science, and Technology Act 2010 (2010 No 131).

Section 2 **prescribed substance**: inserted, on 4 October 1957, by section 2(3) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 2 **Secretary**: inserted, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

Section 2 **uranium**: replaced, on 4 October 1957, by section 2(2) of the Atomic Energy Amendment Act 1957 (1957 No 12).

3 Application of Act in Cook Islands

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

Section 3: amended, at 11 pm on 1 January 1962, by section 9 of the Western Samoa Act 1961 (1961 No 68).

4 Notification of discovery of uranium

- (1) Every person who, whether before or after the passing of this Act, has discovered that any prescribed substance occurs at any place in New Zealand shall, within 3 months after the passing of this Act or after making the discovery, whichever is the later, report the discovery by written notice (which shall specify the place where the discovery took place, and the date of the discovery) to the Secretary.

- (2) *[Repealed]*

Section 4(1): amended, on 2 January 1990, by section 5 of the Energy (Fuels, Levies, and References) Act 1989 (1989 No 140).

Section 4(1): amended, on 1 April 1978, by section 24 of the Ministry of Energy Act 1977 (1977 No 33).

Section 4(1): amended, on 4 October 1957, by section 2(4)(a) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 4(1): amended, on 4 October 1957, by section 2(4)(b) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 4(2): repealed, on 4 October 1957, by section 3(2) of the Atomic Energy Amendment Act 1957 (1957 No 12).

4A Grants of rewards in respect of the discovery of prescribed substances

[Repealed]

Section 4A: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

4B Grants to assist persons prospecting for or producing prescribed substances

[Repealed]

Section 4B: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

5 Minister may control mining or concentrating of substances containing uranium

- (1) If the Minister is satisfied that any person is mining or is about to mine any prescribed substance or is engaged or about to engage in carrying out any physical, chemical, or metallurgical process as a result of which, in the opinion of the Minister, any prescribed substance may reasonably be expected to be isolated or extracted, the Minister may, by notice in writing given to that person, require him in conducting the mining operations or in carrying out any process as aforesaid to comply with and observe such terms and conditions as the Minister may in the notice think fit to impose for the purpose of public health and safety.
- (2) Without prejudice to the generality of the last preceding subsection, the Minister may require that the mining operations shall be so conducted, or that such process for treatment and concentration shall be used, as will provide for or facilitate the extraction, isolation, or concentration of the prescribed substance.

Section 5(1): replaced, on 4 October 1957, by section 5 of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 5(1): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 5(2): amended, on 4 October 1957, by section 2(4)(c) of the Atomic Energy Amendment Act 1957 (1957 No 12).

5A Application of Mining Act 1971 with respect to prescribed substances

[Repealed]

Section 5A: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

5B Provisions where Crown party to instrument affecting mining privilege

[Repealed]

Section 5B: repealed, on 1 April 1973, by section 245 of the Mining Act 1971 (1971 No 25).

6 Disposition of prescribed substances

- (1) All minerals, concentrates, or other materials containing any prescribed substance which are extracted, isolated, or concentrated by any person shall only be disposed of with the prior written consent of the Minister and subject to such conditions as he shall impose.
- (2) The Minister may serve notice on any person who has produced any mineral, concentrate, or other material containing any prescribed substance that he proposes to acquire, on behalf of Her Majesty, the mineral, concentrate, or other material, and upon the service of the notice and the payment of purchase price in accordance with this section, the mineral, concentrate, or material shall become the property of the Crown and shall be delivered to the Minister or as he shall direct.
- (3) There shall be payable out of money appropriated by Parliament for the purpose in respect of the acquisition of any substance under this section a sum equal to the price which the owner thereof might reasonably have been expected to obtain upon a sale thereof effected by him immediately before the date of the service of the notice referred to in subsection (2).

Section 6: replaced, on 4 October 1957, by section 7(1) of the Atomic Energy Amendment Act 1957 (1957 No 12).

7 As to importation of prescribed substances

No person shall, without the prior written consent of the Minister, import any prescribed substance:

provided that samples of any minerals containing any prescribed substance may be imported without the consent of the Minister if the weight of those samples does not exceed 5 pounds.

Section 7: replaced, on 4 October 1957, by section 8 of the Atomic Energy Amendment Act 1957 (1957 No 12).

8 Uranium in its natural condition to be property of Crown

[Repealed]

Section 8: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

9 No compensation for uranium in natural condition

[Repealed]

Section 9: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

10 Minister may mine for prescribed substances

[Repealed]

Section 9: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

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

[Repealed]

Section 11: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

12 No person to possess fissionable substances, etc, without consent

- (1) No person shall, without the prior written consent of the Minister of Research, Science, and Technology, import or have in his possession or control any plutonium or other substance from which atomic energy may be produced more readily than from uranium of natural isotope composition.
- (2) No person shall, without the prior written consent of the Minister of Research, Science, and Technology, import, construct, have in his possession or control, or operate any machine, atomic pile, or apparatus which may be capable of producing atomic energy or which the Minister of Research, Science, and Technology has by notice in the *Gazette* for the purpose of this section declared to be an essential part of any such machine, pile, or apparatus as aforesaid.
- (3) No person shall, without the prior written consent of the Minister of Research, Science, and Technology, import, manufacture, or have in his possession or control any material or substance which that Minister has by notice in the *Gazette* for the purposes of this section declared to be essential to any process for the production of atomic energy.

Section 12(1): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 12(2): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 12(3): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

13 Universities and schools empowered to carry on certain experimental work

- (1) Notwithstanding anything to the contrary in the foregoing provisions of this Act, uranium and thorium of natural isotope composition of an amount not exceeding the appropriate amount mentioned in the next succeeding subsection may be possessed and used for the purpose of instruction and of investigation as to the properties and effects of radioactive and like radiations at any university in New Zealand, at any school providing secondary instruction, at any laboratory under the control of any department of State, and at any other laboratory for the time being approved by the Minister of Research, Science, and Technology.

- (2) The amount of uranium and of thorium that may be possessed and used as provided in the last preceding subsection shall be 1 pound each of uranium and of thorium, calculated by metal content, in the case of a school providing secondary instruction, and 20 pounds each of uranium and of thorium, calculated by metal content, in any other case:

provided that the Minister of Research, Science, and Technology may from time to time by notice in the *Gazette* increase or reduce the amounts that may be possessed and used as aforesaid.

- (3) Notwithstanding anything to the contrary in the foregoing provisions of this Act any university in New Zealand, any laboratory under the control of any Department of State, and any laboratory for the time being approved by the Minister of Research, Science, and Technology, may import, purchase, construct, have possession and control of, and operate any machine, pile, or apparatus capable of the production of atomic energy at a rate not exceeding 1 000 watts, or at such other rate and under such conditions as may from time to time be fixed by the Minister of Research, Science, and Technology by notice in the *Gazette*, and may retain and use for experimental purposes the products produced thereby.

Section 13 heading: amended, on 16 October 1957, pursuant to section 3(2)(b) of the New Zealand University Amendment Act 1957 (1957 No 23).

Section 13(1): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 13(1): amended, on 1 January 1962, by section 59(1) of the Universities Act 1961 (1961 No 54).

Section 13(2) proviso: amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 13(3): amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Section 13(3): amended, on 1 January 1962, pursuant to section 59(1) of the Universities Act 1961 (1961 No 54).

14 Restriction on trading in fissionable substances

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

Section 14: amended, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

15 Entry on land and premises

- (1) Without prejudice to the provisions of section 4 of the Mining Amendment Act 1934, it is hereby declared that any person authorised either specially or generally by the Minister may enter on any premises on which any mining operations are carried on or on which the person or officer so authorised has reason-

able grounds to suspect that there may be found minerals, concentrates, or other materials which have been mined, extracted, isolated, or concentrated and which contain any prescribed substance, for the purpose of ascertaining whether or not there is any prescribed substance on the premises or in any minerals, concentrates, or other materials thereon, and for that purpose the person or officer so authorised as aforesaid may make observations and tests and may extract and remove samples for further testing.

- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months who willfully obstructs or interferes with any person exercising or attempting to exercise his powers under this section.

Section 15(1): amended, on 4 October 1957, by section 2(4)(d) of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 15(1): amended, on 4 October 1957, by section 10 of the Atomic Energy Amendment Act 1957 (1957 No 12).

Section 15(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

16 Granting of consents, etc

In granting any consent or approval or imposing any requirement under this Act, the Minister or the Minister of Research, Science, and Technology, as the case may be, may impose such conditions as he or she thinks fit.

Section 16: replaced, on 1 July 1992, by section 46(1) of the Crown Research Institutes Act 1992 (1992 No 47).

17 Service of notices

- (1) 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 received from him for the purposes of this Act, or to be posted in a letter addressed to him at that place of abode or business or at that address.
- (2) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

18 Offences

Any person who fails to comply with, or contravenes, any provision, prohibition, condition, or requirement contained in or imposed under this Act commits an offence and, where no specific penalty is elsewhere provided, shall be liable on conviction to a fine not exceeding \$1,000, or to imprisonment for a term not exceeding 6 months, or to both such fine and such imprisonment.

Section 18: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 18: amended, on 4 October 1957, by section 12(1) of the Atomic Energy Amendment Act 1957 (1957 No 12).

19 Regulations

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

Contents

- 1 General
- 2 Status of reprints
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- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

Notes**1 General**

This is a reprint of the Atomic Energy Act 1945. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Research, Science, and Technology Act 2010 (2010 No 131): section 18

Crown Research Institutes Act 1992 (1992 No 47): section 46(1)

Resource Management Act 1991 (1991 No 69): section 362

Energy (Fuels, Levies, and References) Act 1989 (1989 No 140): section 5

Ministry of Energy Act 1977 (1977 No 33): section 24

Mining Act 1971 (1971 No 25): section 245

Western Samoa Act 1961 (1961 No 68): section 9

Universities Act 1961 (1961 No 54): section 59(1)

New Zealand University Amendment Act 1957 (1957 No 23): section 3(1), (2)(b)

Atomic Energy Amendment Act 1957 (1957 No 12)