

20 GEO. V. No. 17, 1929. *Petroleum Acts Amendment Act.*

**An Act to Amend "The Petroleum Acts, 1923 to 1927," in certain particulars.**

[ASSENTED TO 5TH DECEMBER, 1929]

20 Geo. V.  
No. 17.  
THE  
PETROLEUM  
ACTS  
AMENDMENT  
ACT OF 1929.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Petroleum Acts Amendment Act of 1929*," and shall be read as one with \*"*The Petroleum Acts, 1923 to 1927*," herein referred to as the Principal Act. Short title and construction of Act.

The Principal Act and this Act may collectively be cited as "*The Petroleum Acts, 1923 to 1929*."

*Amendments to the Principal Act.*

2. Section three of the Principal Act is amended as follows:— Amendment of s. 3.

In the definition of "Petroleum" the word "and" occurring before the words "natural gas;" is repealed; also, after the words "natural gas;" the words and semicolon (;) namely "and solid bitumen;" are inserted.

3. In section ten of the Principal Act, before the words "The persons" at the commencement of the said section, the words "Subject as is hereinafter provided" are inserted. Amendment of s. 10.

4. After section ten of the Principal Act the following section is inserted:— New section 10A.

"[10A.] Notwithstanding anything contained in section ten of this Act, or in any Act to the contrary, but subject to the provisions of this section—

- (i.) Any British company (as defined by †"*The British Companies Act of 1886*"") registered or which may hereafter be registered in Queensland pursuant to the provisions of †"*The British Companies Act of 1886*""; or Qualification of companies registered under "The British Companies Act of 1886," "The Foreign Companies Act of 1895," or "The Companies Acts, 1863 to 1913."

\* 14 Geo. V. No. 26 and 18 Geo. V. No. 13, *supra*, pages 10715 and 12004.

† 50 Vic. No. 31, *supra*, page 277.

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- (ii.) Any foreign company (as defined by \**"The Foreign Companies Act of 1895"*) registered or which may hereafter be registered in Queensland pursuant to the provisions of \**"The Foreign Companies Act of 1895"*; or
- (iii.) Any company registered or which may hereafter be registered in Queensland pursuant to the provisions of †*"The Companies Acts, 1863 to 1913"*;

shall, subject to this Act, upon such registration under the Companies Acts concerned, be qualified to apply for and hold a permit or lease, notwithstanding the fact that all or any of the members and/or shareholders of the company concerned are not persons qualified under paragraph (i.) or paragraph (v.) of the said section ten to apply for and hold a permit or lease; and the provisions of this Act and the Companies Acts concerned, either wholly or with all such modifications thereof or additions thereto as are deemed by the Governor in Council by Order in Council published in the *Gazette* to be necessary or convenient, either generally or to meet any particular circumstances, shall apply and extend accordingly. Any Order in Council issued or purporting to be issued under this section shall have the same force of law as if it were enacted in and formed part of this Act, and shall be judicially noticed, and shall not be questioned in any proceedings whatever.

Upon the registration of any such company under the Companies Acts concerned, the Registrar of Joint Stock Companies shall, upon request, forward to the Minister a certified copy of the certificate of the registration of the company concerned, and such certified copy of such certificate shall be conclusive evidence of the fact of such registration, under the Companies Acts concerned, of the company concerned.

Regulations may be made to give full effect to the objects and purposes of this section, and the provisions of section sixty-five of this Act shall apply and extend accordingly."

Amendment  
of s. 12.

**5.** Section twelve of the Principal Act is amended by omitting the word "two," where it thrice occurs in

\* 59 Vic. No. 2, *supra*, page 280.

† 27 Vic. No. 4 and amending Acts, *supra*, pages 186 *et seq.* and 5329.

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the section, and inserting the word "four" in lieu thereof; also, by the insertion of the following additional proviso to the said section twelve, as follows:—

"Provided always that no person shall apply for or acquire or hold any additional permit or additional two permits in excess of the number of two permits unless the additional permit or additional two permits applied for is or are beyond a distance of two hundred miles from the area of any one of the two permits which such person has already applied for or has acquired or holds. Moreover, no company or corporation shall, as a shareholder or stockholder of another company or corporation, acquire or hold any interest in any additional permit or additional two permits in excess of the number of two permits unless the additional permit or additional two permits concerned are beyond a distance of two hundred miles from the area of any one of the two permits in which such company or corporation has already acquired or holds an interest therein. These provisions shall also, *mutatis mutandis*, apply in respect of an application or in respect of an acquisition or holding by any person in respect of any additional lease or additional two leases in excess of the number of two leases, or in respect of the acquisition or holding of any interest by a company or corporation as a shareholder or stockholder of another company or corporation in any additional lease or additional two leases in excess of the number of two leases."

6. Section fourteen of the Principal Act is amended Amendment  
of s. 14. as follows:—

(i.) The following proviso is added to subsection two of the said section, namely:—

"Provided that, in the case of an application by a company qualified to apply for a permit pursuant to the provisions of section 10A of this Act, a certified copy of the certificate of its incorporation, together with a certified copy of the certificate of registration under the Companies Acts concerned (as the case may be), and such other particulars as may be directed by the Minister or as may be prescribed, shall be annexed to the application."

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Subsection  
6.

(ii.) Subsection six is repealed and the following subsection is inserted in lieu thereof:—

Bond in  
respect of  
permit.

“(6.) Before a permit is granted by the Minister, the applicant shall either furnish a bond in the form prescribed with a corporate surety or such other surety in cash or otherwise as the Minister may accept, in a sum of not less than two hundred and fifty pounds, containing the prescribed conditions for the protection of the interests of owners and occupiers of such improved land or private land (if any) as may be included in the area applied for by the application concerned, or otherwise satisfy the Minister as to his ability to comply with such prescribed conditions.

The amount of the cash or bond may be increased by the Minister in all cases where in his opinion the circumstances warrant an increase.”

Amendment  
of s. 16.

7. Section sixteen of the Principal Act is amended by deleting the following words from the second paragraph of the said section, namely: “and for that purpose may, at the expense of the applicant and the Mines Department equally, obtain reports by geologists or other experts.”

Amendment  
of s. 17.

8. The following paragraph is added to section seventeen of the Principal Act, namely:—

“The period in respect of the permit shall commence on the first day of that month which next follows the day on which the application shall have been lodged with the warden.”

Amendment  
of s. 18.

9. Section eighteen of the Principal Act is amended by the insertion of the following provisos after the fourth paragraph of the said section, beginning with the words “The Minister” and ending with the words “as he thinks proper,” namely:—

“Provided that the Minister may, upon application as provided in the case of an extension in the first instance and if satisfied that good reasons have been shown for a further extension of the permit, extend the permit for such further period not exceeding two years as he thinks proper and upon such terms and conditions as he thinks proper:

Provided also that in any case in which the term of a permit has been extended pursuant to the provisions of this section the Minister may, if in his opinion oil has

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been discovered in commercial quantity, require the permittee to apply for the area comprised in the permit or a part thereof as a lease, and the requirement of the Minister shall be obeyed accordingly."

10. In section nineteen of the Principal Act the words "after the date of the permit" are repealed and the words "from the commencement of the period of the permit as hereinbefore prescribed" are inserted in lieu thereof. Amendment  
of s. 19.

11. Section twenty of the Principal Act is repealed and the following section is inserted:— Amendment  
of s. 20.

"[20.] The permittee shall pay annually in advance by way of rent in respect of the permit a sum equal to one penny for each acre covered by the permit. Rent.

Such rent shall be deemed to commence and become due from the commencement of the period of the permit as hereinbefore prescribed."

12. After section twenty-one of the Principal Act the following new section twenty-two is inserted, and the present section twenty-two shall be renumbered 22A accordingly:—

"[22.] The permittee shall within four months from the commencement of the period of the permit as hereinbefore prescribed proceed to have made geological or geological and geophysical examination of the land with a view to the determination of geological structure favourable to boring, and shall within six months of such commencement of the period of the permit furnish to the Minister satisfactory proof that such geological or geological and geophysical examination has been commenced. Duty of  
permittee.

The permittee shall carry out scout drilling when directed by the Minister so to do, and for the purposes of this section the term "scout drilling" shall have the meaning as set out in section 61c of this Act.

The permittee shall furnish to the Minister from time to time, in such form as may be directed by the Minister or as may be prescribed, full and complete data setting forth the results of geological or geological and geophysical examination or other investigation, or any tests or examination, logs of boring, or any other information or evidence obtained by or given to such

permittee, or any further particulars, statistics, or information as may be required by the Minister during the period covered by the permit or any extension thereof.

Failure to comply with the above provisions shall render the permit liable to be cancelled by the Minister in his absolute discretion, and the Minister's decision in cancelling such permit shall be final and conclusive and without appeal, and on such cancellation by the Minister such permit shall lapse and determine accordingly.

Geological or geological and geophysical examination and scout drilling carried out to the satisfaction of the Minister in terms of this section may be taken into account in allowing exemption from the observance of the requirements of section 22A of this Act."

Amendment  
of s. 22 (now  
s. 22A.)

**13.** Section twenty-two of the Principal Act (which has now been renumbered as section 22A) is amended as follows:—

(a) In the first paragraph of the said section, the words "from the date of the permit" are repealed and the words "from the commencement of the period of the permit as hereinbefore prescribed" are inserted in lieu thereof.

(b) The first proviso is repealed and the following proviso is inserted in lieu thereof:—

"Provided that upon application by the permittee in that behalf the Minister, in any case in which the circumstances seem to the Minister just and equitable, may, in his absolute discretion, grant such extended period, not exceeding in respect of such extension a term of one year at any one time or four years in all, beyond the period prescribed by this section."

Repeal of  
s. 22A.

**14.** The section of the Principal Act originally numbered 22A is repealed.

Amendment  
of s. 29.

**15.** In section twenty-nine of the principal Act the words "the term of the permit" where they twice occur are repealed and the words "the period of the permit calculated as hereinbefore prescribed" are inserted in lieu thereof.

Amendment  
of s. 30.

**16.** In section thirty of the Principal Act, the words "one thousand pounds" are repealed and the words "two hundred and fifty pounds" are inserted in lieu thereof.

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17. In paragraph (a) of section thirty-two of the Principal Act, the words "two shillings" are repealed and the word "sixpence" is inserted in lieu thereof. Amendment of s. 32.

18. The following new section is inserted after section fifty-four of the Principal Act:—

"[54A.] The Minister shall have power and authority to construct and own and maintain pipe-lines and oil refineries, and shall also have power and authority in relation to the control and distribution of petroleum. Power of Minister to construct, &c., pipe-lines.

Moreover the Minister shall have power to grant permits for the construction of pipe-lines and oil refineries, and shall have power to set forth the terms, provisions, conditions, and stipulations under which such pipe-lines or refineries, as the case may be, shall be controlled, conducted, managed, and operated.

The powers and authorities contained in the aforesaid provisions may be applied by the Minister, from time to time, by Order in Council published in the *Gazette*.

For the purposes of this section, the Minister representing the Crown shall be a corporation sole by the name of "The Secretary for Mines" and by that name shall have perpetual succession and an official seal, and shall be capable in law of suing and being sued, and shall have power to take, purchase, sell, exchange, lease, and hold land, goods, chattels, and other property, and subject to this Act may do any acts which may be necessary to the proper exercising and performance of the powers, functions, and duties of the Minister under this Act." Minister to be a corporation sole.

19. Section 61B of the Principal Act is amended as follows:— Amendment of s. 61B.

In the first paragraph of the said section, after the words "situated in the same district" the words "or between the holder or holders of permits or leases and any other person, firm, company, or corporation" are inserted; also, after the words "lessee or lessees" in the same paragraph the words "or any person, firm, company, or corporation" are inserted.

Also, the following proviso is inserted after the first paragraph, namely:—

"Provided further that no agreement under the aforesaid provisions shall be sanctioned between the

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holder or holders of permits or leases and any other person, firm, company, or corporation whereby such other person, firm, company, or corporation shall acquire or hold any interest in a greater number of permits and leases than is permitted by section twelve of this Act."

Also in the second paragraph of the said section, the word "twenty-two" is repealed and the figures and letter "22A" are inserted in lieu thereof.

Amendment  
of s. 61c.

**20.** Section 61c of the Principal Act is amended as follows:—

(a) In subsection one, after the words "for geological" the words "or geological and geophysical" are inserted.

(b) In paragraph (i.) of subsection three, after the words "a geological" the words "or geological and geophysical" are inserted.

(c) In the first proviso to subsection four, after the words "of geological" the words "or geological and geophysical" are inserted.

Amendment  
of s. 65.

**21.** Section sixty-five of the Principal Act is amended as follows:—

In subsection two, the words "such regulations" are repealed and the words "Orders in Council and regulations made or purporting to be made under this Act" are inserted in lieu thereof; also, after the words "this Act" the words "and shall be judicially noticed and shall not be questioned in any proceedings whatever" are inserted.

In subsection three, the words "Such regulations" are repealed and the words "Such Orders in Council and regulations" are inserted in lieu thereof.

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## MINORS AND APPRENTICES.

*See* LABOUR (APPRENTICES).

## NURSERIES.

*See* AGRICULTURE (DISEASES IN PLANTS).