

3 GEO. VI. No. 19, 1939. *Petroleum Acts Amendment Act.*

A main sewer or, as the case may be, a reticulation sewer shall include such sewer and any shaft, drive, trench, or hole sunk or made or in the course of being sunk or made for the purpose of giving access to such sewer or in or about the construction of such sewer and all machinery, plant, gear, or appliances used in connection with the construction of such sewer.

In addition to any inspector, any person appointed in writing by the Minister to inspect sewers or any particular sewer to which this Act applies shall in and with respect to the inspection of such sewers or sewer have all the powers, authorities, jurisdiction, and protection of an inspector duly appointed under this Act."

(2.) This section shall be construed so as to enable \* "*The Mines Regulation Acts, 1910 to 1939*," to apply to a sewer notwithstanding that the construction thereof was commenced before the passing of † "*The Mines Regulation Acts Amendment Act of 1939*."

## An Act to Amend "The Petroleum Acts, 1923 to 1929," in certain particulars.

[ASSENTED TO 24TH NOVEMBER, 1939.]

3 GEO. VI.  
No. 19.  
THE  
PETROLEUM  
ACTS  
AMENDMENT  
ACT OF  
1939.

**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 1939*," and shall be read as one with ‡ "*The Petroleum Acts, 1923 to 1929*," herein referred to as the Principal Act. Short title.

The Principal Act and this Act may collectively be cited as "*The Petroleum Acts, 1923 to 1939*." Collective title.

### *Amendments of the Principal Act.*

2. Section nine of the Principal Act is amended as follows:— Amendments of s. 9.

(i.) In paragraph (i.) of subsection one thereof the words "ten thousand acres" are repealed and the words "two hundred square miles" are inserted in lieu thereof.

\* 1 Geo. V. No. 24 and amending Acts, *supra*, pages 8077 *et seq.*

† This Act.

‡ 14 Geo. V. No. 26 and amending Acts, *supra*, pages 10715 *et seq.*

(ii.) In paragraph (ii.) of subsection one thereof the words "ten thousand acres" are repealed and the words "one hundred square miles" are inserted in lieu thereof.

New s. 9A.

**3.** The following new section 9A is inserted after section nine of the Principal Act, namely:—

Authority  
to prospect.

"[9A.] (1.) Any person may apply to the Minister for an authority to prospect on any land and the Minister may grant such authority. The area to be held under such authority, the term, rent, and the conditions, provisions, and stipulations as to labour and other matters shall be fixed by the Minister. Failure to comply with any conditions, provisions, and stipulations so fixed shall render the authority liable to be cancelled by the Minister.

(2.) Such authority shall entitle the holder, upon payment in advance of the rent fixed as aforesaid, and survey fee if necessary, to undertake exploration or prospecting, or geological or geological and geophysical investigation or testing, of favourable geological structures, or generally to do all things in respect of the search for and discovery of petroleum or for the due development of the industry during the term of such authority.

(3.) Compensation under this Act shall be payable by the holder of an authority to prospect on any private land or improved land before he enters thereon, and for the purpose of determining such compensation all of the provisions of this Act relating to the determination (whether by agreement or by the warden's court) of the compensation payable by a permittee or lessee shall, *mutatis mutandis*, apply and extend.

(4.) On discovery of payable deposits of petroleum the holder of the authority shall report, within fourteen days from the date of such discovery, to the Minister on the nature of the discovery. The Minister may thereupon call upon the holder of the authority to apply for a lease of the land or such part thereof as he may deem advisable or to continue prospecting operations."

Repeal of  
s. 11.

**4.** Section eleven of the Principal Act is repealed.

Amendment  
of s. 12.

**5.** Section twelve of the Principal Act is amended as follows:—

(i.) The word "four" wherever it occurs therein is repealed and the word "five" is inserted in lieu thereof

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(ii.) The second proviso, being the last paragraph, of subsection three thereof is repealed.

**6.** Section thirteen of the Principal Act is repealed, <sup>Repeal of s. 13.</sup> but the repeal of the said section shall not prejudice any preferent right established prior to the passing of this Act.

**7.** Section fourteen of the Principal Act is amended <sup>Amendment of s. 14.</sup> as follows :—

(i.) In paragraph (c) of subsection one thereof the words “one other permit” are repealed and the words “four other permits” are inserted in lieu thereof.

(ii.) Subsection four thereof is repealed.

(iii.) In subsection five thereof the words “one penny for every acre of land” are repealed and the words “five shillings for every square mile of land or part thereof” are inserted in lieu thereof.

(iv.) Subsection six thereof is repealed and the following new subsection six is inserted :—

“(6.) Before a permit is granted by the Minister the applicant shall deposit with the Minister a sum of not less than one thousand pounds as security for compliance by the applicant with this Act and with the conditions of the permit and 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.

The amount of the deposit may be increased by the Minister in any case where in his opinion the circumstances warrant an increase.”

**8.** Section fifteen of the Principal Act is repealed <sup>Repeal of and new s. 15.</sup> and the following new section fifteen is inserted in lieu thereof, namely :—

“[15.] On receipt of an application the warden shall <sup>Warden to report.</sup> forward to the Minister the application, references, and other prescribed documents together with his report thereon.”

**9.** In section twenty of the Principal Act the <sup>Amendment of s. 20.</sup> words “one penny for each acre” are repealed and the words “five shillings for each square mile or part thereof” are inserted in lieu thereof.

New s. 20A.

**10.** After section twenty of the Principal Act the following new section 20A is inserted :—

Existing permits continued in force.

“ [20A.] (1.) Every permit in force at the passing of \**“The Petroleum Acts Amendment Act of 1939”* shall during the currency of the period for which it was issued continue to have the same force and effect and be subject to the same terms and conditions in all respects as if \**“The Petroleum Acts Amendment Act of 1939”* had not been passed.

(2.) Any permit in force at the passing of \**“The Petroleum Acts Amendment Act of 1939”* may be extended for a further period, and when so extended shall continue in force in all respects as if \**“The Petroleum Acts Amendment Act of 1939”* had not been passed.”

Repeal of and new s. 21.

**11.** Section twenty-one of the Principal Act is repealed and the following new section twenty-one is inserted in lieu thereof, namely :—

Royalty before lease granted.

“ [21.] Until the permittee applies for a lease as hereinafter provided, he shall pay to the Minister as royalty a sum equal to ten per centum of the gross value of the petroleum produced from the land comprised in the permit (except petroleum used for production purposes on the said land or unavoidably lost).

After the grant to the permittee of such lease or leases of land covered by the permit, this provision as to royalty shall apply to the remainder of the land covered by the permit for which no lease to him has been granted.”

Amendment of s. 28.

**12.** In the first paragraph of section twenty-eight of the Principal Act the words “one-fourth part” are repealed, and the words “one-half part but not exceeding one hundred square miles in area” are inserted in lieu thereof.

New s. 29A.

**13.** The following new section 29A is inserted after section twenty-nine of the Principal Act, namely :—

Lease to person other than permittee.

“ [29A.] Any person who applies to the nearest warden for a lease and who establishes to the satisfaction of the Governor in Council that he first discovered payable deposits of petroleum within the limits of any land not covered by any permit and not being land proclaimed as not being open to permit or lease under

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section nine of this Act unless such person holds an authority to prospect within such proclaimed area shall be entitled as of right to, and the Governor in Council shall grant to such person, a lease not exceeding one hundred square miles in area of such land.

The area so applied for shall be in a compact form and if surveyed shall be described by the legal land surveys.

If unsurveyed, the area shall be surveyed either by the applicant or by the Minister at the expense of the applicant, and the land leased shall be conformed to and taken in accordance with the legal land surveys :

Provided that lands which are not contiguous may be included in one lease where conditions are such that because of any prior disposition or by reason of any apparently unfavourable geological structures or conditions a reasonable area of contiguous land is not available.

The applicant shall pay to the Minister such deposits to cover expenses of survey as are deemed sufficient by the Minister for that purpose, and any excess deposits may be repaid to the applicant."

14. Section thirty of the Principal Act is repealed and the following new section thirty is inserted in lieu thereof, namely :—

Repeal of  
and new  
s. 30.

"[30.] Every permittee or other person applying for a lease or renewal of a lease shall furnish a bond in the form prescribed, with a qualified corporate surety or such other surety as the Minister may accept, in a sum of not less than one thousand pounds, providing for compliance with the terms and conditions of the lease and of this Act and 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, or such other security in cash or otherwise, conditioned as aforesaid, as the Minister thinks proper to accept."

Bond or  
other  
security in  
respect of  
lease.

15. Section thirty-two of the Principal Act is amended as follows :—

Amendment  
of s. 32.

(i.) In paragraph (a) the words "sixpence per acre" are repealed and the words "ten pounds for every square mile or part thereof" are inserted in lieu thereof.

(ii.) In paragraph (b) the words "a royalty upon" are repealed and the words "as royalty a sum equal to ten per centum of" are inserted in lieu thereof.

(iii.) The following proviso is added to paragraph (b) :—

"Provided that there shall be set off against the amount of royalty payable in any year or part of a year in respect of any lease or leases the amount of rent paid by the lessee or lessees for the same year or part thereof, and where the amount so paid as rent exceeds the amount payable as royalty no amount shall be payable as royalty for that year or part of a year."

(iv.) Paragraph (c) is repealed.

(v.) Paragraph (d) is repealed.

(vi.) Paragraph (e) is repealed.

Amendment  
of s. 34.

**16.** In the second paragraph of subsection one of section thirty-four of the Principal Act all words from and including the words "until the lessee" to and including the words "this condition" are repealed, and the words "unless the Minister for any reason which he may deem sufficient consents in writing to suspension of drilling for any period to be specified in such written consent" are inserted in lieu thereof.

Amendment  
of s. 46.

**17.** In section forty-six of the Principal Act the words "bond or other approved security" are repealed and the words "security, whether by way of cash, bond, or otherwise howsoever," are inserted in lieu thereof.

Amendment  
of s. 61B.

**18.** The following new proviso is inserted after the second proviso (being the proviso commencing with the words "Provided further" and ending with the words "such agreement") of section 61B of the Principal Act, namely :—

"Provided that the Minister may, if he is satisfied that the land comprised in two or more permits or leases forms part of one geological structure favourable to the storage of petroleum or one deposit of petroleum, and that it is desirable for the purposes of ensuring economy and efficiency and of avoiding wasteful and harmful development and practices that the structure or deposit should be worked as one unit, require the permittees or lessees, by

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notice in writing, to prepare and furnish to him a scheme for the testing and/or development of the structure or deposit as one unit. Such notice shall specify the land in respect of which and the time within which the Minister requires such scheme to be so furnished, and if a satisfactory scheme is not so furnished within the time specified, the Minister may have prepared a scheme particulars of which shall be furnished to each permittee and/or lessee concerned and each such permittee and/or lessee shall perform and observe all the terms and conditions thereof."

19. Section 61c of the Principal Act is repealed. Repeal of  
s. 61c.

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## MINISTERS OF THE CROWN, APPOINTMENT OF ACTING.

*See* CONSTITUTION.

## MOTOR VEHICLES INSURANCE.

*See* TRAFFIC.

## MOUNT ISA (LEAD POISONING).

*See* LABOUR (WORKERS' COMPENSATION).

## NAVIGATION.

*See* SHIPPING.

## OFFICIALS IN PARLIAMENT.

*See* CONSTITUTION.

## OPTICIANS.

*See* MEDICAL.

## PARLIAMENT, OFFICIALS IN.

*See* CONSTITUTION.