



ANNO QUARTO

**GEORGII VI REGIS.**

A.D. 1940.

\*\*\*\*\*

**No. 58 of 1940.**

An Act relating to the search for and mining of petroleum  
and for purposes incidental thereto.

[Assented to 5th December, 1940.]

BE IT ENACTED by the Governor of the State of South  
Australia, with the advice and consent of the Parliament  
thereof, as follows :

PART I.

## PART I.

## PRELIMINARY PROVISIONS.

Short title and  
commencement.

1. This Act may be cited as the "Mining (Petroleum) Act,  
1940", and shall come into operation on a day to be fixed by  
the Governor by proclamation.

Amendment of  
Mining Act,  
1930-1931.

2. The Mining Act, 1930-1931, is amended in the manner  
set out in the schedule to this Act, and the sections indicated  
in that schedule are repealed.

Interpretation.

3. In this Act and in every licence issued under this Act,  
the following terms shall, unless the context otherwise requires,  
or some other meaning is clearly intended, have the following  
meanings, namely :—

"authorized officer" in relation to the doing of any act,  
the exercise of any power or function, or the perform-  
ance of any duty, means any officer authorized in writing  
by the Minister to do such act, exercise such power or  
function or perform such duty :

"bore hole" includes well :

"casinghead petroleum spirit" means any liquid hydro-  
carbons obtained from natural gas (before the crude

oil from which such gas is derived has been measured for royalty) by separation or by any chemical or physical process :

“ Crown lands ” means all lands in the State except—

- (a) lands reserved for or dedicated to any public purpose :
- (b) lands subject to a grant in fee simple by or on behalf of the Crown or to a contract for such a grant :
- (c) lands subject to a lease granted by or on behalf of the Crown under any Act :
- (d) lands subject to a licence for mining purposes granted by the Crown under this or any other Act :
- (e) lands held under a miner's right or a business licence or an occupation licence :

and includes all lands situate between high and low water-mark on the sea-shore and on the margin of tidal rivers :

“ crude oil ” means petroleum oil in its natural state before it has been refined or otherwise treated but from which water and foreign substances have been extracted :

“ detailed survey ” means a complete geological survey of an area to determine geological structure and includes—

- (a) the construction of the necessary contoured topographical, structural and geological maps and sections in connection therewith :
- (b) the collection of necessary specimens of rock, fossils and other materials and the laboratory examination thereof :
- (c) where necessary, a geophysical survey, scout drilling and pit sinking :

“ drilling ” means the perforation of the earth's surface crust by mechanical means not involving the descent of workmen into the hole caused by the perforation and whether the hole is vertical, inclined, or horizontal, and includes all operations for preventing the collapse of the sides of the hole or for preventing the hole from being filled by extraneous materials, including water :

“geologist” means a person trained in the science of geology and approved by the Minister in writing as a person qualified to carry out geological surveys for the purposes of this Act :

“licence” means an oil exploration or oil prospecting or oil mining licence granted under this Act :

“licensee” means a person holding a licence, his successors in title and the persons deriving title under him :

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

(a) extracting, recovering, removing, refining, improving, processing, conveying, and storing petroleum produced in South Australia, and any products of any such petroleum ; and

(b) the construction, maintenance, and operation of any works, boreholes, wells, buildings, storage tanks, pipelines, machinery, plant, wireless apparatus, telephone equipment, railways, tramways, reservoirs, waterways, structures, appliances, or chattels used in connection with any of the operations hereinbefore mentioned :

“Minister” means the Minister of Mines :

“natural gas” means gas obtained from boreholes and consisting primarily of hydrocarbons :

“petroleum” means naturally occurring hydrocarbons in a free state, whether gaseous, liquid or solid, but does not include coal, shale, or any substance which may be extracted from coal, shale, or other rock by the application of heat or by a chemical process :

“reconnaissance survey” means a rapid preliminary examination of an area in less detail than is required for a detailed survey :

“to prospect” includes—

(a) to make a reconnaissance survey or a detailed survey ; and

(b) to test a geological structure for petroleum by the drilling of boreholes.

Rights of  
Crown to  
petroleum  
and helium.

4. (1) Notwithstanding anything to the contrary in any Act or in any land grant, certificate of title, lease, agreement, or other instrument of title, but subject to the provisos contained in this subsection, all petroleum and helium existing in its natural condition at or below the surface of any land in

the State whether alienated from the Crown or not and if alienated, whether the alienation took place before or after the passing of this Act, is hereby declared to be the property of the Crown : Provided that the rights and title of the Crown under this section shall be subject to—

- (a) any right or title lawfully granted to or vested in any person pursuant to this Act :
  - (b) any express grant of any right or title to petroleum or helium made by the Crown after the commencement of this Act :
  - (c) any right or title preserved by virtue of subsection (2) of this section.
- (2) Where—
- (a) immediately before the commencement of this Act the petroleum or helium at or below the surface of any land was vested in any person other than the Crown ; and
  - (b) before the introduction of the bill for this Act an agreement was entered into by which that person conferred rights to search for or mine such petroleum or helium, and such agreement was in force at the commencement of this Act ; and
  - (c) pursuant to such agreement the work of searching or mining for petroleum or helium has been begun before the commencement of this Act and is in progress at the said commencement,

any person having an interest in the agreement may file it or a certified copy of it in the Department of Mines within three months after the commencement of this Act, or within such further time as the Minister may in his discretion allow ; and upon such filing the person expressed to be entitled to any right or title under the agreement may hold, exercise and enjoy such right or title for a period of five years after the commencement of this Act as if this Act had not been passed.

(3) Any permit to prospect for oil, granted under the Mining Act, 1930-1931, and in force at the commencement of this Act shall remain in force until the expiration of two years from the date of such permit : Provided that—

- (a) the preferential right to an oil lease conferred by any such permit shall be deemed to be a preferential right to an oil mining licence under this Act :
- (b) the preferential right to another permit conferred by any such permit shall be deemed to be a preferential right to an oil prospecting licence under this Act.

## PART II.

## LICENCES.

Prohibition of mining for oil without licence.

5. (1) Subject to this Act no person shall prospect or mine for petroleum or helium except in pursuance of a licence issued under this Act.

(2) A licence shall not be issued except on application duly made in accordance with this Act and the regulations.

Issue of licences and leases.

6. (1) Subject to this Act, and the regulations, application may be made for an oil exploration licence, an oil prospecting licence or an oil mining licence by—

- (i.) a natural-born or naturalized British subject; or
- (ii.) an association of natural-born or naturalized British subjects; or
- (iii.) a company or corporation incorporated or registered in the State under the law for the time being in force relating to companies,

in respect of any land not being land which is, at the time of the application, included in a licence.

(2) A notification of the grant of a licence shall be published in the *Gazette*.

Mode of applying for licences.

7. (1) Every application shall be addressed to the Director of Mines and shall be in the form and contain the information prescribed by the regulations.

(2) With the application there shall be sent a fee of twenty-five pounds, but if the application is refused, the Minister shall repay to the applicant twenty pounds.

(3) To the application there shall be attached two copies of a map upon which shall be delineated the boundaries of the area in respect of which the licence is applied for.

(4) The applicant shall, with his application, furnish evidence as to his financial position and technical qualifications, and as to his ability to comply with this Act and the terms and conditions of the licence for which application is made. The applicant shall forthwith, upon request by the Minister, furnish further evidence relating to such matters, and if such further evidence is not furnished to the satisfaction of the Minister within three months after the request therefor the application shall, unless the Minister otherwise determines, be deemed void.

Power to hold several licences.

8. (1) Nothing in this Act shall prevent the Minister from granting more than one licence to the same person.

(2) Where an applicant requires a licence for two or more separate areas, a separate application shall be made in respect of each area.

9. A licence may be granted to any person over land of which that person is owner or lessee, or in which that person has any other interest; and the provisions of this Act, except to the extent that they are inapplicable by reason of the fact that the licensee is the owner or lessee of the land or has some other interest therein, shall apply in respect of such licence and all operations carried on thereunder.

Grant of licence to owner of land included therein.

10. If a licence is not executed within three months after it has been sent by the Minister to the applicant for execution the right of the applicant to such licence shall be deemed to have lapsed: Provided that the Minister may, if he thinks just cause exists for doing so, extend the time for executing the licence.

Non-execution of licence.

11. Every licensee shall have the exclusive right to prospect or mine for petroleum in and on the land specified in the licence.

Exclusive rights.

12. Every licence shall contain such of the terms, covenants and conditions prescribed by regulations under this Act as are appropriate, subject to such modifications and exclusions as the Minister thinks fit and such additional clauses covering ancillary matters as the Minister thinks necessary.

Terms of licences.

13. (1) Before the grant of any such licence a bond in the sum of not less than one thousand pounds or such greater sum as the Minister requires shall be executed and lodged with the Minister.

Bond.

(2) The bond shall be given to the Minister by the intended licensee or by some other person approved by the Minister and shall be conditioned upon the due execution and observance by the licensee of all the terms, covenants and conditions of the licence.

(3) The sum mentioned in a bond given under this section shall be deemed not to be a penalty, but shall be liquidated damages and recoverable in full unless the person giving the bond proves performance of every condition upon which the bond is defeasible.

(4) Every bond given under this section shall be in the form prescribed by regulations.

14. Subject to this Act the Minister shall have a discretion to grant or refuse any application for a licence, but shall not capriciously refuse any application properly made.

Discretion of Minister.

*Oil Exploration Licences.*

Area of and  
fee for oil  
exploration  
licence.

**15.** (1) The area comprised in an oil exploration licence shall be not less than one thousand square miles.

(2) The licensee holding an oil exploration licence shall pay to the Minister annually in advance a fee of fifty pounds for every thousand square miles comprised in the licence and a proportionate part of fifty pounds for any fractional part of one thousand square miles so comprised: Provided that the annual fee payable shall be not less than fifty pounds and not more than five hundred pounds.

Term of oil  
exploration  
licence and  
renewal.

**16.** (1) The initial term of an oil exploration licence shall be such term as the Minister fixes not exceeding two years.

(2) Subject to section 40 of this Act the Minister may from time to time, at his discretion, grant a renewal of any oil exploration licence in respect of the whole of the area comprised therein or any part thereof for a further term of twelve months.

Duties of  
holder of oil  
exploration  
licence.

**17.** (1) Every holder of an oil exploration licence shall—

(a) within six months after the commencement of the term of the licence, cause a reconnaissance survey of the land comprised in the licence to be commenced by a geologist and shall, unless excused by the Minister, complete such survey with reasonable diligence; and

(b) forthwith upon the expiration of three months from the commencement of the reconnaissance survey, and upon the expiration of each three months thereafter, or of such other periods as the Minister from time to time directs, furnish to the Minister:—

(i.) a report showing the work done in prospecting for petroleum; and

(ii.) a geological reconnaissance map of the land surveyed, drawn to such scale as the Minister may direct.

(2) A licensee shall not dispose of any petroleum obtained from any land comprised in an oil exploration licence until an oil mining licence in respect of the land from which the petroleum was obtained has been granted to him.

Any licensee who contravenes this section shall be guilty of an offence.

Preferential  
right to oil  
prospecting  
licence.

**18.** Subject to this Act and the regulations the holder of an oil exploration licence shall have a preferential right to an oil prospecting licence of any land comprised in the oil exploration licence.

*Oil Prospecting Licences.*

**19.** An oil prospecting licence may be granted, whether or not the applicant has been the holder of an oil exploration licence. Grant of oil prospecting licence.

**20.** (1) The area comprised in an oil prospecting licence shall be— Area of oil prospecting licence.

(a) not more than two hundred square miles ;

(b) not less than eight square miles, except in cases where, for special reasons, the Minister considers that a smaller area is desirable.

(2) The Minister may, on the application of a licensee holding an oil prospecting licence, and on any terms and conditions which he thinks proper, include a further area of land in that licence, but so that the total area of land comprised in the licence shall not exceed two hundred square miles.

**21.** Subject to the next succeeding section the area in respect of which an oil prospecting licence is granted shall be, as far as possible, compact and shall be bounded either by well marked permanent physical features or by straight lines. The length of such an area shall, in the case of an area of eight square miles, be not more than three times the average width, and in the case of an area of two hundred square miles shall be not more than six times the average width. In the case of an area of more than eight and less than two hundred square miles the maximum ratio of length to width shall vary between three and six in proportion to the size of the area. Shape of area of oil prospecting licence.

**22.** Where two or more separate areas are situated on the same geological structure or cover a group of geologically similar and related structures and the sum of such areas does not exceed two hundred square miles the Minister may grant a comprehensive oil prospecting licence comprising all of such areas. Licence for two or more separate areas.

**23.** (1) The initial term of an oil prospecting licence shall be such term as the Minister fixes, not exceeding four years. Term of oil prospecting licence and renewal.

(2) Subject to section 40 of this Act the Minister may, from time to time at his discretion, grant a renewal of any oil exploration licence in respect of the whole of the area comprised therein or any part thereof which complies with the two last preceding sections for a further term of twelve months.

## PART II.

Fee for oil  
prospecting  
licence.

**24.** The licensee holding an oil prospecting licence shall pay to the Minister annually in advance, a fee at the following rates :—

- (a) in respect of each year of the initial term of the licence, five shillings for each square mile or fractional part of a square mile comprised in the licence :
- (b) in respect of each year for which the term of the licence is renewed, ten shillings for each square mile or fractional part of a square mile comprised in the licence :

Provided that the fee for each year of the initial term shall not be less than twelve pounds ten shillings, and for each year of the renewal of the term not less than twenty-five pounds.

Duties of  
holder of oil  
prospecting  
licence.

**25.** (1) A licensee holding an oil prospecting licence shall, on the area comprised in the licence—

- (a) carry out with due diligence such scheme of prospecting as the Minister approves :
- (b) cause a detailed survey of the land comprised in the licence to be carried out by, or under the direction of, a geologist, to the satisfaction of the Minister :
- (c) cause to be made mineralogical and palaeontological examinations of specimens obtained from the land comprised in the licence, and any other examinations of those specimens which the Minister directs :
- (d) if required by the Minister, retain representative specimens of the specimens so obtained and make them available to the Minister ; and
- (e) furnish to the Minister every three months, or at such other intervals as the Minister approves—
  - (i.) a detailed report of all work carried out on the land comprised in the licence ; and
  - (ii.) a geological map of the land examined, drawn to such scale as the Minister may direct.

(2) If petroleum is discovered in any borehole on any land included in an oil prospecting licence, the licensee shall immediately furnish to the Minister a full report of the discovery, and shall furnish any further particulars in relation thereto which are demanded by the Minister, and shall carry out any operations which the Minister may direct for the purpose of proving the quantity and quality of the supply of petroleum.

(3) A licensee shall not dispose of any petroleum obtained from any land included in an oil prospecting licence until an oil mining licence in respect of the land from which the petroleum was obtained has been granted to him.

Any licensee who contravenes this section shall be guilty of an offence.

26. Subject to this Act and the regulations the holder of an oil prospecting licence shall have a preferential right to an oil mining licence of any land comprised in the oil prospecting licence.

Preferential right to oil mining licence.

*Oil Mining Licences.*

27. An oil mining licence may be granted over—

Grant of oil mining licence.

- (a) any area which has previously been included either in an oil prospecting licence granted to the applicant or in an oil mining licence granted to any person ; or
- (b) any additional area adjoining an area already held under an oil mining licence by the applicant.

28. An oil mining licence shall not be granted in respect of any area of—

Size of area of oil mining licence.

- (a) more than one hundred square miles ; or
- (b) less than four square miles except in cases where for special reasons, the Minister considers that a smaller area is desirable.

29. Where two or more separate areas are situated on the same geological structure or cover a group of geologically similar and related structures, and the sum of such areas does not exceed one hundred square miles, the Minister may grant a comprehensive oil mining licence comprising all such areas.

Licence over two or more separate areas.

30. Each separate area in respect of which an oil mining licence is granted shall be bounded either by well marked permanent physical features or by straight lines. The length of any area for which an oil mining licence may be granted shall be—

Shape of area.

- (a) in the case of an area of four square miles, not more than three times the average width :
- (b) in the case of an area of one hundred square miles, not more than five times the average width.

In the case of an area of more than four and less than one hundred square miles, the maximum ratio of length to width shall vary between three and five, in proportion to the size of the area.

## PART II.

Duty of applicant to supply map.

**31.** In addition to the map required by subsection (3) of section 7, an application for an oil mining licence shall be accompanied by a map, prepared at the expense of the applicant showing in detail the topography and geology of the lands for which the licence is sought, and drawn to such scale as the Minister may direct.

Term of oil mining licence.

**32.** (1) The initial term of an oil mining licence shall be such as the Minister fixes and shall not exceed twenty-one years; and the licence shall contain a clause conferring on the licensee, subject to this section, rights of renewal for successive terms of twenty-one years.

(2) Not less than three months before the expiration of the term of an oil mining licence, or of the term of any renewal thereof, the licensee may apply to the Minister for the renewal, or further renewal, of the licence.

(3) An application for the renewal, or further renewal, of an oil mining licence shall—

(a) be made in the manner and form prescribed; and

(b) be accompanied by a fee of fifty pounds.

(4) The Minister shall, if he is satisfied that the licensee has complied with the terms and conditions of his licence and with such of the provisions of this Act and of the regulations as are applicable to him, renew the licence for a further period of twenty-one years.

Rights of licensee.

**33.** An oil mining licence shall confer on the licensee the exclusive right to conduct oil mining operations on the land comprised in the licence, together with the right, subject to compliance with any law relating thereto, to construct and maintain on that land such works, buildings, plant, waterways, roads, pipelines, dams, reservoirs, tanks, pumping stations, tramways, railways, telephone lines, wireless stations and other structures and equipment as are necessary for the full enjoyment of the licence or the fulfilment of the licensee's obligations thereunder.

Fee for oil mining licence.

**34.** During the currency of an oil mining licence and of any renewal thereof there shall be payable to the Minister in advance in respect thereof an annual fee computed at the rate of ten pounds for every square mile of land comprised in the licence.

Royalty on petroleum.

**35.** (1) Subject to this section the licensee under an oil mining licence shall pay to the Minister a royalty computed at the rate of ten per cent on the selling value of all crude oil, casinghead petroleum spirit, and natural gas that is produced from the land comprised in the licence.

(2) Royalty shall not be payable in respect of—

- (a) any crude oil, casinghead petroleum spirit or natural gas which is unavoidably lost or is returned to the natural reservoir :
- (b) any crude oil, casinghead petroleum spirit or natural gas which is used by the licensee for the purposes of oil mining operations or any incidental purposes (including the heating and lighting of the dwellings of employees of the licensee engaged by him in connection with the work of oil production and the heating and lighting of buildings maintained to provide social amenities for those employees and their families) :
- (c) any natural gas which or the product of which is not sold.

(3) There shall be set off against the amount of royalty payable in any year under this section the amount of any fee paid by the licensee in respect of that year and where the amount of fee so paid exceeds the royalty, no royalty shall be payable for the year.

(4) For the purpose of enabling the royalty payable under any licence to be computed the licensee shall in each month furnish to the Director of Mines a statement in the prescribed form showing the quantity and selling value of crude oil, casinghead petroleum spirit, and natural gas produced during the preceding month, and giving such other information as may be prescribed.

(5) The licensee shall, at the request of the Director of Mines, or of any person authorized by him to make the request, produce to the Director or to that person, all books, accounts, and other records of the licensee in relation to the licence and the operations and transactions carried on thereunder or in connection therewith and shall permit the Director or that person to inspect and make copies of those books, accounts and records.

(6) In this section “ selling value ” means—

- (a) in relation to any oil spirit or gas which is sold by the licensee, the price actually realised less the expenses (if any) incurred by the licensee in transporting the oil spirit or gas from the site of the well or borehole to the point of delivery to the buyer :
- (b) in relation to any oil spirit or gas which is treated by the licensee before sale, its value in its natural condition at the site of the well or borehole immediately before treatment.

## PART II.

## Duties of licensee.

**36.** (1) Within six months after the grant of an oil mining licence, or within such further time as the Minister in his absolute discretion allows, the licensee shall—

- (a) if at the time of the grant of the licence an outfit and equipment suitable for drilling on the land comprised in the licence was not already installed to the satisfaction of the Minister, install such an outfit and equipment to the satisfaction of the Minister :
- (b) commence to drill, by a method approved by the Minister, at least one well :

Provided that where, prior to the grant of the licence, a well has been drilled on the land comprised in the licence, the Minister may exempt the licensee from compliance with this subsection.

(2) A licensee shall, during the term of the licence, diligently and continuously carry on drilling operations in a workmanlike manner so that the land comprised in the licence will be developed in accordance with good oil field practice to the satisfaction of the Minister, and shall continue to drill each well with reasonable diligence to a depth at which oil is produced, or at which the Minister is satisfied that the well is unsuccessful.

(3) Where any well is drilled to production, the licensee shall continue to produce until such time as he satisfies the Minister that further production is not practicable : Provided that the Minister may authorize a temporary suspension of operations.

## Plans and reports.

**37.** The licensee under an oil mining licence shall not later than the thirty-first day of July in each year, furnish to the Director of Mines in the manner and form prescribed, with respect to the period of twelve months ended on the thirtieth day of June in that year—

- (a) a plan showing all development work and improvements on the land comprised in the licence together with a report as to such other matters as are prescribed ;
- (b) a statement as to quantity and grade of crude oil, casinghead petroleum spirit, and natural gas (if any) produced and sold ; and
- (c) a statement of the moneys received for any crude oil, casinghead petroleum spirit, and natural gas sold.

*General Provisions Relating to Licences.*

## Surrender of licence.

**38.** (1) A licensee may—

- (a) upon giving three months' notice in writing to the Minister ; and

(b) upon payment of all fees, royalties, debts and other obligations due and owing to the Minister under this Act; and

(c) upon payment of all moneys and wages due and payable to the workmen and employees of the licensee,

apply to the Minister for permission to surrender his licence with respect to the whole or portion of the land comprised therein.

(2) The Minister shall not grant any such application unless he is satisfied that the licensee has made provision for protecting the land to which the surrender relates and making any well thereon safe.

(3) Upon the surrender of a licence under this section, all rights and obligations of the licensee under the licence in respect of the land to which the surrender relates shall be terminated but the surrender shall not release the licensee from any obligation or liability incurred prior to the surrender.

(4) Where the licensee has constructed any waterway, road, pipeline, tramway, railway, or telephone line on the land to which the surrender relates, he shall be entitled, so long as is necessary for the conduct of his mining operations, to a right of way or easement entitling him to use and maintain that waterway, road, pipeline, tramway, railway or telephone line.

**39.** (1) Where the Minister has reason to believe that a licensee has contravened or failed to comply with any of the terms and conditions of his licence or any of the provisions of this Act or of the regulations the Minister may obtain a report from the Director of Mines.

Cancellation of licences.

(2) If, after obtaining and considering a report accordingly, the Minister is satisfied that there has been a contravention or default by the licensee he shall decide whether the licence ought to be forfeited. In deciding this question he shall take into account—

(a) in any case where the contravention or default consists in failure to do any act or carry out any work or is capable of being remedied by any act or work, any offer by the licensee to do such act or carry out such work;

(b) in any case, the seriousness of the default or contravention and the harm resulting therefrom.

(3) If the Minister decides that it is expedient to cancel the licence he shall make a recommendation accordingly to the Governor and the Governor may if he thinks fit cancel the licence.

## PART II.

Power of  
Minister on  
application  
for renewal.

**40.** Where a licensee applies for a renewal of an oil exploration licence or oil prospecting licence the Minister may instead of renewing the oil exploration licence or oil prospecting licence, require the licensee to make an application for an oil prospecting licence or an oil mining licence respectively as the case may be.

Signing of  
application.

**41.** An application for a licence shall—

- (a) if made by an individual—be signed by the applicant or by his agent ;
- (b) if made by a body corporate—be under the common seal of the applicant or be signed by some person authorized by the applicant to sign it ; and
- (c) if made by an unincorporated association of persons or of bodies corporate, or of persons and bodies corporate—be signed by each person or by his agent and be under the seal of each body corporate.

Consent to  
dealings with  
licences.

**42.** (1) Subject to this Act, a licence or any interest in any licence shall not be assigned, transferred, sublet, mortgaged, or made the subject of any trust or other dealing, whether directly or indirectly, without the consent in writing of the Minister ; and any such transaction entered into without such consent shall be void.

(2) The Minister may, before consenting to any such transaction, require such information as he thinks fit with respect thereto, and shall not be bound to consent thereto.

(3) A fee of ten pounds shall be payable on every application for the consent of the Minister under this section.

Prohibition of  
unauthorized  
assignments  
and combines.

**43.** If the holder of any licence purports, without the consent in writing of the Minister, to assign, transfer, sublet, or mortgage the licence or any interest therein or to make the licence or any interest therein, the subject of any trust or other dealing, he shall be guilty of an offence.

Registers.

**44.** The Director of Mines shall keep registers of licences and such other registers as may be prescribed or as he deems necessary.

Reservations  
in favour of  
the Crown.

**45.** Notwithstanding the issue or grant of a licence the following rights are expressly reserved to the Crown and a reservation accordingly shall be deemed to be contained in every licence—

- (a) the right to grant, upon such terms as the Minister thinks fit, such rights of way or easements through, upon, over, or in any land comprised in the licence

as are reasonably required for the development or working of that land or other land containing petroleum deposits, or for the treatment or transportation of the products of such land by or under the authority of the Minister, or any licensee, or for other public purposes, and the Minister may, from time to time, make such grants accordingly ; and

- (b) the right to all helium found in association with petroleum and the right to erect on the land comprised in the licence a plant for the extraction of helium from any gases produced by a licensee together with such incidental rights as are necessary for the purpose of storing and removing the helium.

**46.** Nothing in this Act or in any licence shall take away or limit any power conferred on the Governor or any Minister of the Crown by any other Act to reserve, dedicate, grant, sell or otherwise deal with or dispose of any land : Provided that any such reservation, dedication, grant, sale, or other dealing or disposition shall be subject to any rights which have been conferred by or under this Act or any licence, and are in existence at the time of the reservation, dedication, grant, sale or other dealing.

Saving of powers of Minister under Crown Lands Acts.

**47.** (1) For the purpose only of making any geological or geophysical examination a licensee may enter upon land not comprised in his licence : Provided that such entry shall not be made except with the consent of every owner and occupier of the land or, in the case of an appeal, the consent of the Minister.

Entry on land not included in licence.

(2) Any owner or occupier of land may in his discretion refuse his consent under this section or may grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations as he thinks fit.

(3) If any owner or occupier of any land refuses or neglects to grant consent under this section or grants consent subject to any condition, the person applying for consent may appeal to the Minister. On such an appeal the Minister may refuse his consent, or grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations as he thinks fit.

(4) Subject to the regulations, where the owner or any occupier of any land is not known, or is absent from the State and has no known agent in the State, or is dead and has no personal representatives, any person requiring the consent of that owner or occupier under this section, may appeal to the Minister as if that owner or occupier had refused his consent,

and on the appeal the Minister may refuse his consent, or grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations, as he thinks fit.

(5) Nothing in this section and nothing done pursuant to this section shall restrict the power of any owner or occupier of land to enter into an agreement with any person as to the giving of consent under this section or as to the conditions on which such consent is to be given.

(6) A licensee entering on land under this section shall be entitled to make a geological and geophysical examination of the land. In making such examination he shall do as little damage as possible, and he shall be liable to pay compensation to every person having any estate or interest in the land for any damage done to the land. Any such person may sue for such compensation in any court having jurisdiction to entertain actions up to the amount claimed.

No oil mining  
on roads and  
streets.

48. Nothing in this Act or in any licence shall authorize any person to carry on mining operations on or under any road or street.

Restrictions  
on rights of  
licensees over  
certain lands.

49. (1) A licensee shall not be entitled to enter upon or conduct any operations upon any of the lands hereunder mentioned unless he has first obtained the consent in writing of every owner and occupier of that land, or, in the case of an appeal, the consent of the Minister.

The lands referred to above are the following :—

- (a) Land lawfully and *bona fide* used as a garden, orchard, vineyard, or dairy farm :
- (b) Fields cultivated for the production of crops :
- (c) Pasture land which has been topdressed or sown with any plants or grasses for pasture :
- (d) Land used for the playing of any sport :
- (e) Land forming the site of any building, artificial well, reservoir, or dam, where that building, well, reservoir, or dam is of the value of fifty pounds or more, and any land within one hundred and fifty yards of any such building, well, reservoir, or dam :
- (f) Any land within one hundred yards of any spring, watering trough, or artificial watering place which is habitually used for stock.

(2) Any owner or occupier of any land mentioned in subsection (1) of this section, may in his discretion refuse his

consent under this section or may grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations as he thinks fit.

(3) If any owner or occupier of any such land refuses or neglects to grant consent under this section or grants consent subject to any condition, the person applying for consent may appeal to the Minister. On such an appeal the Minister may refuse his consent, or grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations as he thinks fit.

(4) Subject to the regulations, where the owner or any occupier of any land is not known, or is absent from the State and has no known agent in the State, or is dead and has no personal representatives, any person requiring the consent of that owner or occupier under this section, may appeal to the Minister as if that owner or occupier had refused his consent, and on the appeal the Minister may refuse his consent, or grant his consent either unconditionally or on such conditions not inconsistent with this Act or the regulations, as he thinks fit.

(5) Nothing in this section and nothing done pursuant to this section shall restrict the power of any owner or occupier of land to enter into an agreement with any person as to the giving of consent under this section or as to the conditions on which such consent is to be given.

(6) If any licensee contravenes this section he shall be guilty of an offence.

**50.** (1) A licensee shall not be entitled to enter upon or conduct any operations upon any of the lands hereinafter mentioned without the consent of the appropriate Minister.

Restriction on rights of licensees over public lands.

The lands referred to above are the following :—

- (a) Land held by or on behalf of the Crown or any municipal or district council or any public statutory authority and used as park lands, or as a public park, garden, playground, recreation reserve, or other place of public resort :
- (b) Land held by or on behalf of the Crown or any municipal or district council or any public statutory authority as the site or intended site of any public building, public work, or cemetery :
- (c) Land dedicated or reserved by proclamation under the Crown Lands Act, 1929-1939 :
- (d) Land to which the Governor by proclamation declares that this section shall apply.

## Mining (Petroleum) Act, 1940.

(2) The Governor may by proclamation—

- (a) declare that this section shall apply to any specified land or to any specified class of land :
- (b) declare that this section shall cease to apply to any specified land or to any specified class of land to which this section applies whether by reason of a proclamation under this section or otherwise :
- (c) revoke or vary any proclamation for the time being in force under this section.

(3) The appropriate Minister to grant his consent under this section shall be—

- (a) the Minister for the time being charged with the administration of the land ; or
- (b) if the land is administered by an authority other than a Minister, the Minister for the time being charged with the administration of the Act under which the land is held ; or
- (c) if there is no such Minister as mentioned in paragraphs (a) or (b), the Minister of Mines.

If any question arises as to who is the appropriate Minister to grant consent under this section, it shall be determined by the Governor whose decision shall be final.

(4) The appropriate Minister in his discretion may refuse his consent under this section, or may grant his consent either unconditionally or on such conditions as he thinks fit.

(5) Where any such land as mentioned in subsection (1) of this section is held by or on behalf of, or is controlled in whole or part by, a municipal or district council or a public statutory authority, the Minister shall not give any consent under this section in respect of that land unless he has first consulted such council or authority.

(6) If any licensee contravenes this section he shall be guilty of an offence.

Notice of  
entry to be  
given to  
occupiers.

**51.** (1) Before any licensee enters upon any land or causes it to be entered upon pursuant to this Act, he shall give to every occupier of the land notice in writing of his intention so to do. Where the entry upon the land is for the purpose of making any geological survey or for the purpose of making any geophysical survey that does not involve a risk of damage to the land or the improvements thereon, or to any stock or chattels for the time being thereon, fourteen clear days' notice of intention shall be given as aforesaid, and in every other case twenty-eight clear days' notice shall be given.

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

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

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

(5) If any licensee contravenes this section he shall be guilty of an offence.

**52.** (1) A licensee shall—

(a) as against the owner or occupier of any land comprised in his licence be deemed to be in occupation of only such portion of that land as he encloses with a fence; and

(b) shall enclose with a fence only that part of the land comprised in the licence of which he requires exclusive occupation in order effectively to carry on and adequately to protect his mining operations and works.

(2) A licensee may bring an action for trespass or injury to any land fenced by him under this section.

**53.** If any land comprised in a licence is being lawfully used by any person other than the licensee for any purpose, the licensee shall—

(a) conduct operations under the licence so as not to interfere to a greater extent than is necessary with such user of the land: and

(b) take all such precautions and measures as are necessary or as are required by the Minister to prevent injury from being caused by such operations to any land not actually occupied for mining purposes.

**54.** (1) The Minister may grant to a licensee a right of way or other easement over or through any land for the purposes of the erection and maintenance of a pipeline for the transportation of petroleum. Such a right of way or easement may extend over any land occupied or intended to be occupied by the pipeline and over strips of land not more than twenty-five feet wide

Use and occupation of private land.

Restriction on interference with other operations.

Easements.

on either side of the pipeline, and shall be upon such conditions as to survey, rental, situation, use and other matters as are specified in the grant or prescribed by regulation.

(2) Failure to comply with any such condition shall be a ground for cancelling any such grant.

Records of wells.

**55.** (1) Every licensee shall keep, in a form approved by the Minister—

- (a) accurate records of the drilling, deepening, plugging, or abandonment of all wells on the land comprised in the licence and of any alterations to the casings thereof ; and
- (b) a log of each such well containing particulars of the following matters—
  - (i.) the strata and subsoil through which the well was drilled ;
  - (ii.) the casing inserted in the well and any alteration to the casing ;
  - (iii.) any petroleum, water, or workable seams of coal encountered ; and
  - (iv.) such other matters as are prescribed by regulation.

(2) The licensee shall in the month of July in each year deliver to the Minister copies of all records and logs kept pursuant to this section in relation to the period of twelve months ended on the preceding thirtieth of June.

Monthly and annual reports.

**56.** (1) Every licensee shall, on or before the last day of each month during the term of his licence, including the term of any renewal thereof, furnish to the Minister a record, in a form prescribed by regulation, containing the following particulars of work done during the preceding month, namely :—

- (a) The depth drilled in each well ;
- (b) Any petroleum, water, or workable seams of coal encountered in the course of his operations ;
- (c) All crude oil produced and casinghead petroleum spirit recovered ; and
- (d) Particulars of any geological work which has been carried out.

(2) Every licensee shall, not later than the thirty-first day of July in each year, furnish to the Minister a record in the form prescribed by regulation, of the operations conducted during the twelve months ended on the preceding thirtieth day of June,

on the land comprised in his licence together with a plan upon a scale approved by the Minister—

- (a) showing the situation of all wells ;
  - (b) showing all developmental and other works executed by him in connection with his mining operations ; and
  - (c) setting out full particulars of any ancillary rights acquired for the exercise of the rights or for the performance of the obligations under the licence.
- (3) Every licensee shall—
- (a) keep accurate geological plans, maps and records relating to the land comprised in his licence ; and
  - (b) furnish to the Minister such other plans and information as to the progress of operations on the land comprised in the licence as the Minister from time to time requires.

**57.** (1) Every licensee shall as soon as is reasonably practicable collect characteristic samples of the strata encountered in each well on the land comprised in his licence and samples of any petroleum or water discovered in any such well and shall label all such samples and preserve them for at least six months.

Samples of strata, petroleum and water.

(2) Every licensee shall deliver to the Minister representative specimens of any such samples and the Minister may retain any samples so delivered.

(3) Every licensee shall, as early as is reasonably practicable, cause to be made a palaeontological examination of all drilling samples and cores produced from each test well drilled, and shall furnish to the Minister a report of all examinations so made.

**58.** All logs, records, plans, maps, accounts and information which a licensee is required to furnish under this Act shall be furnished at the expense of the licensee.

Further provisions as to logs, reports, etc.

**59.** A licensee shall not, except with the consent of the Minister, commence drilling within three hundred and twenty-five feet of any of the boundaries of the land comprised in his licence.

Restriction on drilling.

**60.** Every licensee shall maintain all apparatus, appliances and wells capable of producing petroleum, on the land comprised in his licence in good repair and condition, and shall execute all mining operations on that land in a proper and workmanlike manner in accordance with methods and practice customarily used in good oil field practice.

Methods of working.

## PART II.

Health and  
safety of  
workers.

**61.** (1) Every licensee shall comply with any directions from time to time given to him in writing by the Minister for securing the health and safety of persons employed by the licensee in connection with the operations conducted on the land comprised in his licence.

(2) If any licensee fails to comply with any such direction he shall be guilty of an offence.

Accidents.

**62.** (1) Where, in connection with any operations carried on by a licensee pursuant to his licence, any accident occurs which—

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

(b) is caused by an explosion or ignition of gas or other explosive, or by electricity, or by fire, or by any other cause which is prescribed, and causes any bodily injury whatsoever to any person—

the licensee shall forthwith notify the Director of Mines by telegraph of the accident, and shall, in addition, forthwith send to the Director of Mines a written notice in the form prescribed by regulation and containing the particulars indicated in the form.

(2) If any licensee fails to comply with this section he shall be guilty of an offence.

Storage of  
petroleum.

**63.** (1) Every licensee shall use methods and practice customarily used in good oil field practice for confining the petroleum obtained from the land comprised in his licence in tanks, gas holders, pipes, or other receptacles.

(2) A licensee shall not, except as a temporary method during emergency, place or keep any petroleum in an earthen reservoir.

If any licensee contravenes this subsection he shall be guilty of an offence.

Substances  
not to be  
deposited on  
land.

**64.** (1) A licensee shall not cause or permit any waste oil, salt water or refuse to flow into or over, or to be deposited upon, any land whether included in his licence or not.

(2) If any licensee contravenes this section he shall be guilty of an offence.

Abandonment  
and plugging  
of wells.

**65.** (1) Every licensee shall give to the Minister not less than fourteen days' notice in writing of his intention to abandon any well, and shall not, without the consent in writing of the Minister, withdraw any cemented string or other permanent form of casing from any well which it is proposed to abandon.

(2) A licensee shall securely plug every well which he intends to abandon so as to ensure that water shall not enter any petroleum bearing strata, or workable seams of coal, from or through the well.

(3) Before commencing to plug any well which it is intended to abandon, the licensee shall submit to the Minister for his approval particulars in writing of the method of plugging which it is proposed to adopt.

(4) The Minister may, by notice to a licensee require that a well on the land comprised in his licence shall not be plugged, or any works executed for that purpose, except in the presence of a person appointed by the Minister, and the licensee shall act in accordance with such requirement.

(5) If any licensee contravenes this section he shall be guilty of an offence.

**66.** (1) If a licensee fails or refuses to comply with any provision of his licence or of this Act or of the regulations, or with any lawful instruction given by the Minister under which provision or instruction the licensee is required to carry out any operations or do any act, the Minister may, by his workmen and agents, enter on the land comprised in the licence and carry out any such operations or do any such act at the licensee's expense.

Power of Minister to do works required by this Act.

(2) Any expense incurred by the Minister may be recovered by him from the licensee as a debt.

(3) Nothing in this section shall affect the liability of a licensee under any other provision of this Act.

**67.** For the purposes of this Act the Minister or any authorized officer may enter upon, and examine any land whether included in a licence or not, and any structures or works on any such land.

Authority to enter on land.

**68.** (1) When a licence is cancelled or surrendered, or the term thereof expires and the licence is not renewed the licensee shall deliver up the land comprised therein and all wells on that land in good order and condition to the satisfaction of the Minister and shall be liable in damages to the Minister for any failure to comply with this subsection.

Delivery of land on termination of licence.

(2) A licensee may, within three months after the cancellation, surrender or expiration of his licence remove from the land comprised therein any plant buildings or structures erected by him on that land, or any property belonging to him on that land.

## PART II.

Restriction on grant of rights to mine for shale oil.

69. No grant, right, lease, licence, permit, or other authority to search or mine for shale or other rock from which mineral oil may be extracted by any industrial process shall be issued or granted in respect of any land included in a licence.

Devolution of rights under licences.

70. Every right and obligation under any licence shall enure for the benefit of, or be binding upon, as the case may be, the heirs, executors, administrators, successors and permitted assigns of the licensee, as the case may be.

Effect of cancellation of licence.

71. (1) Whenever a licence is cancelled the Minister shall publish in the *Gazette* a notice of the cancellation, and thereupon, without any re-entry being made, the right, title, estate and interest in the licence of the licensee, and of any person claiming under him, shall cease and determine.

(2) The *Gazette* containing a notice published pursuant to this section shall be *prima facie* evidence in every court that the right, title, estate and interest in the licence of the licensee, as the case may be, and of any person claiming under him, has been lawfully determined.

(3) The cancellation of a licence in pursuance of this Act shall not release the licensee from any liability under or in respect of the licence or the land comprised therein, incurred prior to the date of cancellation.

Unit development.

72. (1) Where the Minister is satisfied that—

- (a) the land comprised in any licence forms part of a single geological petroleum structure or petroleum field (in this section referred to as "the oilfield") extending beyond that land; and
- (b) it is desirable, for the purpose of securing economy and efficiency and of avoiding wasteful and harmful development and practices, that the oilfield should be worked as one unit;

the Minister may, after obtaining a report from the Director of Mines—

- (i.) vary the terms of the licence by including therein additional land (not being exempt land) to which the oilfield extends;
- (ii.) if the oilfield extends into land included in any other licence require the licensees by notice in writing, to prepare and furnish to him a scheme for the working and development of the oilfield as one unit.

(2) A notice under paragraph (ii.) of the last preceding subsection shall specify the land in respect of which and the time within which the Minister requires the scheme to be furnished.

(3) If a scheme is not furnished within the time so specified, or if the Minister does not approve the scheme furnished to him, the Minister may prepare a scheme and supply particulars thereof to each licensee to whom notice was given and each such licensee shall perform and observe all the terms and condition of the scheme.

(4) If any licensee fails to perform or observe any term or condition of any scheme prepared by the Minister and notified to the licensee, the licensee shall be deemed to have broken a condition of his licence.

**73.** (1) Any licensee may, subject to the approval of the Minister, make an agreement with any other licensee of land for the drilling of a well by the parties to the agreement on any land included in the licence of either of them.

Agreements  
for joint  
drilling of  
wells.

(2) An agreement for the purpose referred to in the last preceding subsection shall not have any force or effect unless and until it has been approved by the Minister.

**74.** For the purpose of this Act the Governor may, from time to time, appoint qualified persons to be inspectors.

Inspectors.

*Compensation.*

**75.** (1) A licensee shall be liable to compensate in accordance with this Act every person having any estate or interest in any land injuriously affected by reason of any operations conducted or other action taken by the licensee in pursuance of this Act or his licence.

Compensation  
for mining  
operations.

(2) Compensation shall not be payable under this Act, for any damage to land, if that damage does not affect any portion of the surface of the land.

**76.** (1) A licensee may agree with any person entitled to compensation under this Act as to the amount of compensation.

Determination  
of compensa-  
tion.

(2) An agreement under the last preceding subsection shall not be valid unless it is in writing and signed by the parties thereto or their agents and filed in the office of the Department of Mines.

(3) If no agreement is made under subsection (1) of this section the claimant may bring an action for compensation, or the licensee or lessee may bring an action claiming a declaration as to the amount of compensation payable.

(4) An action under this section may be brought in the Supreme Court or in a case where the compensation claimed or alleged to be payable does not exceed seven hundred and fifty pounds in the local court of full jurisdiction nearest to the land in respect of which the right to compensation arises.

(5) A declaration of any such court or, in case of an appeal of the appellate court as to the amount of compensation, shall be conclusive as to that amount.

(6) In any action under this section, if the court considers it impracticable or inexpedient to assess the amount of compensation to be paid in full satisfaction for all damage and loss past and future, it may, on the application of a party or of its own motion, give judgment or make a declaration as to the compensation payable in respect of any specified period.

Measure of compensation.

77. (1) Subject to this Act compensation payable under this Act shall be compensation for—

- (a) deprivation of the possession of the surface of the land or of any part thereof ;
- (b) damage to the surface of the land or any part thereof, or to any improvements thereon, caused by the carrying on of operations in, under, or upon the land ;
- (c) in a case where a person is deprived of the possession of the surface of any land, severance of such land from other land of such person ;
- (d) surface rights of way and easements ; and
- (e) any consequential damage.

Provided that, in determining the amount of compensation, allowance shall not be made for any petroleum known or supposed to be in or under the land.

(2) In determining the amount of compensation the court shall take into consideration the amount of any compensation which the owner and occupier or either of them or their predecessors in title have or has already received for the damage or loss for which compensation is being determined and shall deduct the amount so received from the amount which they or either of them would otherwise be entitled to.

Additional compensation.

78. (1) If, after the court has determined any amount of compensation, any further loss or damage (not being loss or damage in respect of which compensation has already been determined) has been sustained, the person suffering the loss or damage may bring an action for further compensation therefor, or the licensee or lessee may bring an action claiming a declaration as to the amount of further compensation payable.

(2) The provisions of subsection (4), (5) and (6) of section 76 shall apply to actions under this section.

PART II.

**79.** Any court in which proceedings in relation to compensation have been commenced may, at any stage of those proceedings, make an order forbidding the licensee concerned in the proceedings from commencing or, as the case may be, continuing any operations until he has given such security as the court thinks fit for payment of any compensation for which he may be liable.

Security for compensation.

**80.** If any compensation payable by a licensee pursuant to a judgment or any agreement is not paid within three months after it becomes due under such judgment or agreement the Minister may, if he thinks fit, cancel the licence of the licensee.

Cancellation of licence.

---

PART III.

PART III.

MISCELLANEOUS.

**81.** All applications, statements and reports made or furnished to the Minister under this Act shall, if the Minister so requires, be verified by statutory declaration in such form as the Minister requires or as is prescribed.

Verification of statements.

**82.** (1) An officer of the State who acts in the execution of any duty under this Act shall not, except in the performance of his duty under this Act, or when required by a court of law, make a record of or divulge any information supplied to the Minister under this Act.

Secrecy.

(2) A person who has been an officer of the State shall not communicate any information acquired by him in the performance of any duty under the Act to any person other than a person to whom he is authorized by law or by the Minister to communicate it.

(3) If any officer or person contravenes this section he shall be guilty of an offence.

**83.** (1) If any fee or other amount due to the Minister under this Act or the regulations is not paid by the due date, a fine of ten per centum shall be added thereto and shall be

Fees payable in advance.

recoverable as part thereof, and in addition interest at the rate of six per centum per annum on the amount of such fee, or other amount unpaid, shall be charged and recovered by the Minister.

(2) If any fee or payment due in respect of a licence is in arrears for three months or more the Minister may cancel the licence.

Restriction on  
use of certain  
statements.

**84.** (1) No person shall publish or distribute any notice, advertisement, prospectus or other document stating or suggesting, whether expressly or by implication, that the Minister, any Government Department, or any person or body acting on behalf of the Minister or a Government Department has formed or expressed any opinion that any land included in a licence is from its geological formation or otherwise land in which petroleum is likely to be obtainable.

(2) No person shall publish or distribute any prospectus, statement in lieu of prospectus, notice, circular, advertisement or other invitation offering to the public for subscription or purchase any shares or debentures of a company or intended company formed or to be formed for the purpose of mining for oil in the State, unless such prospectus, statement, notice, circular, advertisement or invitation has printed thereon a copy of the last preceding subsection.

(3) Nothing in this section shall prevent the Minister from authorizing the publication in full of an official report or such extracts from an official report as the Minister may, in writing, approve.

(4) If any person contravenes this section he shall be guilty of an offence.

Assistance to  
mining  
companies.

**85.** (1) Where the Minister is satisfied that at least three-quarters of the share capital of a company engaged or intending to engage in mining operations is held by individual persons residing in Australia, he may, in his discretion and on the recommendation of the Director of Mines—

- (a) sell or let on hire to the company any plant or machinery ;
- (b) construct or carry out any works or operations for the company ;
- (c) make a loan of money to the company,

upon any terms and conditions which the Minister thinks proper.

(2) The money required for the purposes of this section shall be paid out of the money provided by Parliament for those purposes.

**86.** The Governor may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, or for regulating the search for and mining of oil, and in particular prescribing penalties recoverable summarily not exceeding one hundred pounds for offences against the regulation. Regulations.

**87.** (1) Any contravention of or failure to observe any provision of this Act shall if such contravention or failure is by this Act declared to be an offence, be punishable on summary conviction by a fine not exceeding five hundred pounds. Offences.

(2) Any contravention of or failure to observe any provision of this Act or the regulations under this Act, if committed by a licensee, shall whether or not such contravention or failure is declared by this Act to be an offence, be deemed to be a breach by the licensee of a condition of his licence and that licence shall be liable to forfeiture accordingly.

**88.** Where any time is by any provision of this Act fixed for doing any act the Minister may, at his discretion, extend that time. Extension of time.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.

## Mining (Petroleum) Act, 1940.

## THE SCHEDULE.

## AMENDMENTS OF MINING ACT, 1930.

Section Amended or Repealed.	How Amended or Extent of Repeal.
s. 3 .....	Strike out "Oil leases" in the heading of Division VI. of Part III. Strike out the heading "Part VI.—Permits to Prospect for Oil".
s. 4 .....	Strike out "or oil" appearing three times in the definition of "coal or oil lease". Strike out "oil" in the definition of "mining" or "to mine". Strike out the definition of "Oil".
s. 19 .....	Strike out "oil" in the definition of "prospecting". Strike out "or oil" in the second line, and insert "or" before "coal".
s. 20 .....	Strike out "or oil" in the last line, and insert "or" before "coal".
s. 23 .....	Strike out the line "(e) an oil lease".
s. 27 .....	Strike out the whole of paragraph (e).
s. 29 .....	Strike out "or oil" occurring four times in paragraph IV.
s. 31 .....	Strike out "or oil" in paragraph (d).
Heading to Division VI. of Part III. ....	Strike out "OIL LEASES".
s. 55 .....	Strike out "or oil" in the second line of subsection (1) and the last line of subsection (4).
s. 56 .....	Strike out "or oil" in the first line.
s. 57 .....	Strike out "or oil" in the second line.
s. 58 .....	Strike out "or oil".
s. 77 .....	Strike out the line "III. Oil :".
s. 81 .....	Strike out "oil" in paragraph (a).
s. 82 .....	Strike out "oil" in paragraphs (a) and (c).
s. 83 .....	Strike out the whole of paragraph (c).
ss. 85 to 95 inclusive .	Repeal the whole of these sections.
s. 109 .....	Strike out "or oil" in the last line, and insert "or" before "coal".
s. 112 .....	Strike out "oil" in the second line.
s. 113 .....	Strike out "oil" in the seventh line.
s. 120 .....	Strike out "or oil" in the fifth line of subsection (1).
s. 141 .....	Strike out the whole of paragraph XXII.