

Queensland



MINERAL RESOURCES (ADJACENT SUBMARINE AREAS) ACT 1964

**Reprinted as in force on 25 October 1994
(Act not amended up to this date)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 25 October 1994.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- update citations and references (Pt 4, Div 2)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use expressions consistent with current legislative drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

See Endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in the reprint, including—**
 - **Table of obsolete and redundant provisions.**



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*Mineral Resources (Adjacent Submarine Areas)
Act 1964*

MINERAL RESOURCES (ADJACENT SUBMARINE AREAS) ACT 1964

[reprinted as in force on 25 October 1994²]

An Act to make provision with respect to the exploration and exploitation of the seabed and subsoil of the submarine areas adjacent to the State and its dependencies

Short title

1. This Act may be cited as the *Mineral Resources (Adjacent Submarine Areas) Act 1964*³⁻⁵.

Exploration and exploitation of adjacent submarine areas

2.(1) It is hereby declared that subject to this Act the provisions of the *Mining Act 1898*, the *Coal Mining Act 1925* and the *Petroleum Act 1923* (“**the said Acts**”), extend and apply and shall be deemed always to have extended and applied—

- (a) to the seabed and its subsoil within the territorial limits of the State and its dependencies; and
- (b) (for the purpose of the more effectual exploration and exploitation of the mineral resources thereof) to the seabed and its subsoil of the adjacent submarine areas outside such territorial limits to a depth of 200 m or beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas (including the seabed and its subsoil of similar submarine areas adjacent to the coasts of islands forming part of the State and its dependencies) to the same extent as if such seabed and subsoil were within the territorial limits of the State and its dependencies.

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(2) The submarine areas referred to in subsection (1)(b) include and shall be deemed always to have included all areas the right of the State and its dependencies to explore and exploit the natural resources of which is recognised under or by virtue of the principles of international law or is derived from or acquired under or by virtue of any statute, letters patent, commission, proclamation, order in council, rule of law, usage, prescription, exercise of dominium, acquiescence, or is otherwise derived or acquired, or is inherent in or appertains or is incidental to the State and its dependencies.

(3) Without limiting in any way the above description, such submarine areas in particular include and shall be taken always to have included the seabed and its subsoil within the boundaries described by the *Queensland Coast Islands Act 1879*.

(4) The areas described in this section are “**the said submarine areas**”.

Minerals property of Crown

3. For the purpose of the application of the said Acts to the said submarine areas coal, petroleum, gold, silver and other minerals, fluids whether gaseous or in liquid form, compounds, combinations and other exploitable substances and whether of the above kinds or otherwise, on or in the seabed or its subsoil of any such area shall be deemed to be and always to have been the property of the Crown in the same way and to the same extent as minerals on or below the surface of land (including land covered by water whether by the sea or otherwise) within the territorial limits of the State and its dependencies have been and are the property of the Crown and they shall be dealt with accordingly.

Application of Acts

4. Without in any way limiting the generality of the other provisions of this Act it is hereby expressly declared and provided so far as is necessary for the carrying out of the purposes of this Act, and subject to the provisions of section 6, the said Acts shall apply and be deemed always to have applied—

(a) as if references to land, and land within Queensland, referred to

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and included land covered by water, and whether by the sea or otherwise; and such land shall be deemed to include and always to have included the seabed and its subsoil within territorial limits or within the said submarine areas as the case may require;

- (b) *mutatis mutandis*.

Persons subject to this Act

5. Without in any way limiting the generality of the other provisions of this Act it is hereby expressly declared and provided that any person resident in or being or coming within or registered or having an office or a place of business or carrying on any business, trade or activity in Queensland or its dependencies or using or seeking or attempting to use any place or facility therein or exploring or exploiting or seeking or attempting to explore or exploit any of the natural resources of or pertaining or incidental to Queensland or its dependencies, or who is otherwise subject to the jurisdiction of the State in any material respect, shall be subject to the provisions of this Act and of the said Acts in relation to all matters in this Act or in the said Acts provided.

Orders in council

6. The Governor in Council for the purpose of providing for the more effectual extension and application of the said Acts for the purposes of this Act may by order in council published in the Gazette order and declare that any provision of any of those Acts—

- (a) shall not so extend and apply either wholly or in part;
- (b) shall apply with such amendments, alterations, modifications and additions as the Governor in Council in the Governor in Council's opinion deems it necessary or expedient to carry out the objects of this Act.

Publication of orders in council

7.(1) Every order in council made under this Act shall—

- (a) be published in the Gazette;

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- (b) upon its publication in the Gazette be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
- (c) take effect from the date of such publication unless a later date or a retrospective date is specified for its commencement in that or any other order in council, as the case may be, when in such event it shall take effect as from that later date or retrospectively as the case may be;
- (d) be laid before Parliament within 14 sitting days after such publication if Parliament is in session, and if not, then within 14 sitting days after the commencement of the next session.

(2) If Parliament passes a resolution of which notice has been given at any time within 14 sitting days after any such order in council has been laid before Parliament disallowing such order in council or part thereof that order in council or part shall thereupon cease to have effect without prejudice to the validity of anything done in the meantime or to the making of any further order in council.

Authority to prospect

8.(1) Subject to this section, without in any way limiting the generality of the other provisions of this Act every authority to prospect heretofore granted pursuant to the provisions of the *Petroleum Act 1923* or the *Mining Act 1898* or either of those Acts, as amended from time to time is hereby validated (if and in so far as it may be necessary to do so to ensure its full force and effect) as from the date on which such authority was granted.

(2) In any such authority to prospect any reference to land or to parts of the State (being lands covered by water) shall be taken to refer to and at all times to have referred to the seabed and its subsoil within the territorial limits of the State and its dependencies or within the said submarine areas as the case may require and reference to leases in the case of the said submarine areas shall be taken to refer and at all times to have referred to a right to explore and exploit the said submarine areas.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Mineral Resources (Adjacent Submarine Areas) Act 1964 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

Mineral Resources (Adjacent Submarine Areas) Act 1964 No. 26
 date of assent 14 April 1964
 commenced on date of assent

4 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
references to Queensland implied	Acts Interpretation Act 1954 s 35

5 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

Previous	Renumbered as
2(1), 2nd sentence	2(2)
2(1), 3rd sentence	2(3)
2(1), 4th sentence	2(4)
6(i)	6(a)
6(ii)	6(b)
7(1)(i)	7(1)(a)
7(1)(ii)	7(1)(b)
7(1)(iii)	7(1)(c)
7(1)(iv)	7(1)(d)
8, 1st sentence	8(1)
8, 2nd sentence	8(2)