



ANNO TERTIO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 26 of 1964

**An Act to Make Provision with respect to the Exploration and
Exploitation of the Sea-bed and Sub-soil of the
Submarine Areas Adjacent to the State of Queensland
and its Dependencies**

[ASSENTED TO 14TH APRIL, 1964]

BE IT ENACTED by the Queen'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. **Short title.** This Act may be cited as "*The Mineral Resources (Adjacent Submarine Areas) Act of 1964.*"

2. **Exploration and exploitation of adjacent submarine areas.** (1) It is hereby declared that subject to this Act the provisions of "*The Mining Acts, 1898 to 1955,*" "*The Coal Mining Acts, 1925 to 1964,*" and "*The Petroleum Acts, 1923 to 1962*" (hereinafter referred to as "the said Acts"), extend and apply and shall be deemed always to have extended and applied—

(a) to the sea-bed and its sub-soil within the territorial limits of the State of Queensland and its Dependencies; and

- (b) (for the purpose of the more effectual exploration and exploitation of the mineral resources thereof) to the sea-bed and its sub-soil of the adjacent submarine areas outside such territorial limits to a depth of two hundred metres 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 sea-bed and its sub-soil of similar submarine areas adjacent to the coasts of islands forming part of the State of Queensland and its Dependencies) to the same extent as if such sea-bed and sub-soil were within the territorial limits of the State of Queensland and its Dependencies.

The submarine areas referred to in paragraph (b) of subsection (1) of this section include and shall be deemed always to have included all areas the right of the State of Queensland 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 said State and its Dependencies. Without limiting in any way the above description, such submarine areas in particular include and shall be taken always to have included the sea-bed and its sub-soil within the boundaries described by "*The Queensland Coast Islands Act of 1879.*" The areas described in this paragraph are hereinafter in this Act referred to as "the said submarine areas".

3. Minerals property of Crown. 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 sea-bed or its sub-soil 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 of Queensland and its Dependencies have been and are the property of the Crown and they shall be dealt with accordingly.

4. Application of Acts. 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 hereof, the said Acts shall apply and be deemed always to have applied—

- (a) as if references to land, and land within Queensland, referred to 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 sea-bed and its sub-soil within territorial limits or within the said submarine areas as the case may require;

(h) *mutatis mutandis*.

5. Persons subject to this Act. 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 said 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.

6. Orders in Council. 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—

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

7. Publication of Orders in Council. (1) Every Order in Council made under this Act shall—

- (i) be published in the *Gazette*;
- (ii) upon its publication in the *Gazette* be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
- (iii) 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;
- (iv) be laid before Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen 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 fourteen 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.

8. Authority to Prospect. 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 Acts, 1923 to 1962,*" or "*The Mining Acts, 1898 to 1955,*" 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. In any such Authority to Prospect any reference to land or to parts of the State of Queensland (being lands covered by water) shall be taken to refer to and at all times to have referred to the sea-bed and its sub-soil within the territorial limits of the State of Queensland 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.