

Queensland



PETROLEUM ACT 1923

**Reprinted as in force on 23 June 1994
(includes amendments up to Act No. 35 of 1993)**

Reprint No. 1

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Information about this reprint

This Act is reprinted as at 23 June 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

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

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use gender neutral office names (s 25)
- correct spelling and use different spelling consistent with current legislative drafting practice (s 26)
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- reorder definitions and other provisions consistent with current legislative drafting practice (ss 30)
- 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 (ss 36, 37 and 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
 - **Table of changed names and titles**
 - **Table of changed citations and remade laws**
 - **Table of obsolete and redundant provisions**
 - **Table of corrected minor errors**
 - **Table of renumbered provisions.**

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PETROLEUM ACT 1923

[as amended by all amendments that commenced on or before 23 June 1994²]

An Act to make better provision for encouraging and regulating the mining for petroleum and natural gas within the State

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Petroleum Act 1923*^{3–10}, and shall be read as one with the *Mining Act 1898*, herein referred to as the Mining Act.

Interpretation

3.(1) In this Act—

“**authority to prospect**” means authority to prospect granted pursuant to section 9A;

“**barrel**”, when used quantitatively in relation to petroleum, means a container of a capacity of 34.9726 imp gal at 60°F;

“**casinghead petroleum spirit**” means any liquid hydrocarbons obtained from natural gas by separation or by any chemical or physical process;

“**company**” means—

- (a) a company;
- (b) a recognised company;
- (c) a recognised foreign company;
- (d) a registered foreign company;

within the meaning of the *Companies (Queensland) Code* and always

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did on and from the commencement of the *Companies (Application of Laws) Act 1981* have that meaning;

“corporation sole” means the corporate entity preserved and continued in existence by section 7 under the name and style ‘The Secretary for Mines’;

“Crown land” means all land in Queensland except land which is for the time being—

- (a) lawfully granted or contracted to be granted in fee simple by the Crown; or
- (b) subject to any lease or licence lawfully granted by the Crown provided that land held from the Crown under occupation licence shall be deemed to be Crown land;

and includes land reserved for or dedicated to public purposes (and includes specifically all State Forests, Timber Reserves, National Parks and Scenic Areas under the *Forestry Act 1959*, camping reserves and reserves for Aborigines) other than land in fee simple;

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

“declared pipeline” means a petroleum product pipeline (within the meaning of section 45F(3)) that is the subject of a regulation made for the purposes of section 45F(1);

“drilling” means drilling or boring;

“land” includes land covered by water, and whether by sea or otherwise;

“lease” means a petroleum lease granted under this Act;

“lessee” means the holder of a petroleum lease;

“licence” means a licence in respect of a pipeline or declared pipeline granted under this Act and in force for the time being;

“licensee” means the holder of a licence;

“mark the land” means mark the land covered by a permit by firmly fixing in the ground a substantial post or monument set in an L trench at each angle or corner;

“natural gas” means gas consisting primarily of hydrocarbons, and

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obtained from boreholes or from crude oil;

“occupier” means the person in actual occupation of any private land or improved land, or, if there is no person in actual occupation, the person entitled to possession thereof;

“payable”, as applied to petroleum, means petroleum of such quantity and quality that it can under ordinary circumstances be won with profit;

“permit” means a prospecting petroleum permit granted under this Act;

“permittee” means the holder of a prospecting petroleum permit;

“person” includes an individual person, an association of persons, and a company or corporation;

“petroleum” means any—

- (a) naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state; or
- (b) naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
- (c) naturally occurring mixture of 1 or more hydrocarbons, whether in a gaseous, liquid, or solid state, and 1 or more of the following—
 - (i) hydrogen sulphide;
 - (ii) nitrogen;
 - (iii) helium;
 - (iv) carbon dioxide;

and includes any petroleum defined by paragraphs (a) to (c) that has been returned to a natural reservoir, but does not include, and is hereby declared never did include—

- (d) shale from which mineral oil may be extracted or produced;
- (e) mineral oil extracted or produced from shale or coal or other rock by some chemical or thermal process;
- (f) hydrocarbons and other substances or matter occurring in association with shale or coal and necessarily mined, extracted, produced or released by or in connection with mining for shale or coal or the extraction or production of mineral oil therefrom;

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“Petroleum Advisory Board” or “Board” means the Petroleum Advisory Board as and when constituted under this Act;

“petroleum deposits” means the petroleum-producing or petroleum-bearing sands or strata;

“pipeline” means a system of pipes used for conveying petroleum and all ancillary equipment and works connected therewith, including flow lines from wells, gathering lines and main lines and installations in connection therewith such as tanks, reservoirs, pumps, racks and loading facilities, structures supporting the line, pump houses, and apparatus to afford protection against corrosion, but does not include flare lines and similar pipelines at wells being drilled for petroleum;

“private land” means all land other than Crown land;

“State mining engineer” means the officer holding the office of State mining engineer in the department.

(2) The terms “improved land” and “owner” have the meanings respectively assigned to them by the *Mining on Private Land Act 1909*, and generally, save as hereinbefore provided, the terms used have the meanings respectively assigned to them by the Mining Act.

Application of Act

4.(1) Nothing in the *Explosives Act 1952* shall apply to the storage and use of explosives in connection with the exploration for and production of petroleum under and subject to this Act.

(2) To the extent necessary to give operation and effect to the provisions of the *Amoco Australia Pty. Limited Agreement Act 1961*, and the agreement to which that Act relates, and to ensure that no provision of this Act shall affect or prejudice in any way that Act or that agreement, it is hereby declared that every provision of this Act shall be read subject to the *Amoco Australia Pty. Limited Agreement Act 1961*, and the agreement to which that Act relates.

PART 1A—PETROLEUM ADVISORY BOARD AND PIPELINES TRIBUNAL

Appointment of Petroleum Advisory Board

4A.(1) For the purpose of making any inquiry or investigation which may be deemed necessary, or for such other purposes as the Governor in Council may think fit, it shall be lawful for the Governor in Council from time to time to appoint a board, to be called the ‘Petroleum Advisory Board’, consisting of such persons as the Governor in Council may approve.

(2) In the event of such Board being constituted, regulations may be made prescribing the tenure of office of the members of such Board, the duties and responsibilities thereof, the regulation of meetings, proceedings and the conduct of business of such Board, the appointment of a secretary or other officers, if necessary, and generally such other matters or things which may be considered necessary or expedient so to prescribe.

(3) For the purpose of any such inquiry or investigation the Board, if and when so constituted, and each and every member thereof, shall have the same powers, authorities, and protection as a commission under the *Commissions of Inquiry Act 1950*.

(4) The Governor in Council may also dissolve any board so appointed, and such board shall cease and determine accordingly.

Appointment of pipelines tribunal

4B.(1) The Governor in Council, may appoint 1 or more persons possessing qualifications and experience that in the Governor in Council’s opinion are appropriate to constitute a pipelines tribunal for the purpose of making an inquiry into the operations of any existing or proposed pipeline.

(2) Each member of a pipelines tribunal—

- (a)** shall be appointed for such term, not exceeding 5 years as the Governor in Council determines; and
- (b)** shall hold the member’s appointment on such conditions as the

Governor in Council determines from time to time; and

- (c) shall be eligible for reappointment.

Disclosure of member's interest

4C.(1) A member of a pipelines tribunal shall promptly give notice in writing to the Minister of any pecuniary or other interest, direct or indirect, had or acquired by the member that might conflict in a particular case or generally with the proper discharge by the member of the member's functions as a member of the tribunal.

(2) A member of a pipelines tribunal shall not participate as such a member in an inquiry conducted by the tribunal where the Minister has directed in writing that the member not participate therein.

Inquiry by pipelines tribunal

4D.(1) The Minister may require a pipelines tribunal—

- (a) to inquire into any matter or matters concerning—
- (i) the ownership, maintenance and operation of pipelines constructed or proposed to be constructed, maintained or operated under the authority of this Act or a licence;
 - (ii) the compliance by a licensee with conditions of the licensee's licence;
 - (iii) the throughput entitlements and requirements of persons using or desirous of using any such pipeline and available methods for progressively increasing pipeline capacity, generally or in a particular case, to meet the requirements of persons supplying or desirous of supplying petroleum through a pipeline;
 - (iv) the interests of persons who are desirous of transporting petroleum through any such pipeline;
 - (v) transportation charges or other conditions that a licensee has imposed or proposes to impose relating to transportation of petroleum through a pipeline operated under the authority of a licence and financial matters relating thereto; and

- (b) to report to the Minister its findings, conclusions and recommendations in respect of the matter or matters inquired into by the tribunal pursuant to the Minister's requisition.

(2) Notification shall be published in the Gazette of each requisition issued under subsection (1) and of the matter or matters to be inquired into by a pipelines tribunal pursuant to the requisition.

(3) It is the function and duty of a pipelines tribunal to which a requisition is directed by the Minister under subsection (1) to inquire into the matter or matters specified therein and to report thereon in accordance with the requisition.

(4) In the discharge of its function and duty a pipelines tribunal is authorised to inquire into and report upon all matters considered by the tribunal to be necessary for that purpose.

Inquiry into transportation charges

4E. Matters that a pipelines tribunal shall take into account in the conduct of its inquiry into transportation charges or other conditions referred to in section 4D(1)(a)(v) include—

- (a) the historical cost of the pipeline or any part thereof;
- (b) the amount of transportation charge necessary to provide the licensee with a reasonable profit;
- (c) competition with the licensee from other modes of transporting petroleum;
- (d) the amount of interest payable on loans to the licensee in relation to the licensee's business of transporting petroleum by pipeline and the licensee's ratio of debt to equity in relation to that business;
- (e) depreciation and reasonable contingencies in the conduct of the business of transporting petroleum by pipeline;
- (f) expenses properly chargeable against revenue in accordance with generally accepted accounting principles in connection with the business of transporting petroleum by pipeline;
- (g) any other reasonable expenditure or reasonable provision for expenditure by the licensee in connection with the licensee's

- business of transporting petroleum by pipeline;
- (h) the efficiency of the licensee's business of transporting petroleum by pipeline;
 - (i) any other matter the pipelines tribunal considers necessary for the purposes of its inquiry.

Pipelines tribunal deemed a commission of inquiry

4F.(1) For the purpose of conducting any inquiry that it is required or authorised to undertake a pipelines tribunal shall be deemed to be a commission within the meaning of the *Commissions of Inquiry Act 1950* and the provisions of that Act, other than sections 4, 4A, 5A, 5B, 10(3), 13, 14(1A), 19A, 19B, 19C and 26, shall apply in respect of the conduct of the inquiry.

(2) The person for the time being nominated by the Governor in Council as chairperson of a pipelines tribunal shall be the chairperson of the commission that the tribunal is deemed to be for the purpose of conducting an inquiry.

Powers following inquiry

4G.(1) If a pipelines tribunal has reported to the Minister in respect of the matter on which it was required to report, the regulations may make provision with respect to the matter by—

- (a) fixing a maximum charge for transporting petroleum by pipeline; or
- (b) prohibiting the imposition by a licensee of a condition relating to the transporting of petroleum by pipeline; or
- (c) determining the throughput entitlements of a person using or wishing to use a pipeline; or
- (d) taking action in respect of a licence or licensee, including amending the conditions of a licence.

(2) A licensee who contravenes a regulation made for the purposes of subsection (1) commits an offence against this Act.

Maximum penalty—100 penalty units.

Adjustment of pipeline charges

4H.(1) In this section—

“adjustable accounting period” means—

- (a) the first accounting period; or
- (b) if a regulation is made under section 4G fixing a maximum charge for a future accounting period and the charge is declared by the regulation to be an adjustable charge—the period;

“adjustment figures” means—

- (a) in relation to the licensee—
 - (i) the actual throughputs of petroleum for each producer; and
 - (ii) the charges imposed by the licensee for each producer’s throughputs; or
- (b) in relation to a producer—
 - (i) the producer’s actual throughputs of petroleum; and
 - (ii) the charges imposed by the licensee for the producer’s throughputs;

“first accounting period” means the year starting on 1 August 1991 and ending on 31 July 1992;

“future accounting period” means a year starting on 1 August 1993 or 1 August in any later year and ending on 31 July in the next year;

“licensee” means the licensee of the Moonie pipeline;

“Moonie pipeline” means the Moonie to Brisbane pipeline;

“Moonie Transportation Agreement” means the agreement dated 27 April 1984 (as amended) between—

- (a) Santos Limited, Delhi Petroleum Pty Ltd, Vamgas Limited, Claremont Petroleum NL, Oil Company of Australia NL and Ampol Exploration Limited; and
- (b) Moonie Pipeline Company Pty Ltd;

“Naccowlah Block producers” means the persons for whom the licensee transports petroleum under the Moonie Transportation Agreement;

“producer” means a person for whom the licensee transports petroleum by the Moonie pipeline.

(2) Subject to subsection (7), the charges paid by producers (other than the Naccowlah Block producers) to the licensee for the transport of petroleum by the Moonie pipeline for an adjustable accounting period must be adjusted between the licensee and each producer.

(3) The adjustment must be calculated in a way determined by the Minister by written notice having regard to the recommendations of pipelines tribunals required under section 4D to inquire into charges imposed by the licensee for the transport of petroleum by the Moonie pipeline.

(4) To facilitate the adjustment for a future accounting period, the licensee and all producers must give the Minister the adjustment figures within 30 days from the end of the period.

(5) The Minister must, as soon as practicable after establishing the adjustment figures, calculate the adjustment and give written notice to the licensee and each of the producers (other than the Naccowlah Block producers) of—

- (a) the way the adjustment was calculated; and
- (b) the amount payable by—
 - (i) the licensee to the producer; or
 - (ii) the producer to the licensee.

(6) The amount payable under the adjustment is a debt due by—

- (a) the licensee to the producer; or
- (b) the producer to the licensee.

(7) An adjustment must not be made under this section between a producer and the licensee for a future accounting period if, after the commencement of this section, the producer and the licensee enter into an agreement in relation to the charges payable for the transport of petroleum by the Moonie pipeline for the period.

(8) This section has effect despite—

- (a) any maximum charge fixed under section 4G in relation to the first accounting period; and

- (b) any other Act or law; and
 - (c) any agreement entered into before the commencement of this section between the licensee and a producer in relation to the transport of petroleum by the Moonie pipeline during the first or future accounting periods.
- (9) A notice under subsection (3) is subordinate legislation.

PART 2—RIGHTS AND POWERS OF THE CROWN

Petroleum is Crown property

Petroleum the property of the Crown

5. Notwithstanding anything to the contrary contained in any Act or in any grant, instrument of title, or other document, it is hereby declared that petroleum on or below the surface of all land in Queensland, whether alienated in fee simple or not so alienated from the Crown, and if so alienated whensoever alienated, is and always has been the property of the Crown.

Reservations in Crown grants

6. All Crown grants, leases, licences, and other instruments of tenure under any Act relating to Crown land, other than permits and leases under this Act, issued after the passing of this Act shall contain a reservation of all petroleum on or below the surface of the land comprised therein, and also a reservation of all rights of access for the purpose of searching for and for the operations of obtaining petroleum in any part of the land, and all rights of way for access and for pipelines and other purposes requisite for obtaining and conveying petroleum in the event of petroleum being obtained in any part of the land.

Incorporation of Minister

7.(1) The corporate entity established by section 54A of the *Petroleum Act 1923* is hereby preserved and continued in existence as a corporation sole constituted by the Minister under the name and style ‘The Secretary for Mines’.

(2) The corporation sole—

- (a) has perpetual succession and an official seal;
- (b) is capable in law of suing and being sued;
- (c) has power to take, acquire, hold, sell, lease, let and exchange land, goods and property of every description;
- (d) has power to make and perform contracts, to employ agents and servants and to do such other acts as are necessary or convenient to the proper discharge and performance of the functions, powers and duties committed to it by this Act;

and shall be deemed always to have had such capacity and powers.

(3) In the discharge and performance of its functions, powers and duties under this Act the corporation sole represents the Crown.

(4) All courts, Judges and persons acting in a judicial capacity shall take judicial notice of the seal of the corporation sole affixed to any document and, until the contrary is proved, shall presume that the seal has been duly affixed.

General authority of corporation sole

7A.(1) The corporation sole is and shall be deemed always to have been authorised—

- (a) to search for, recover, acquire and refine petroleum;
- (b) to dispose of petroleum and petroleum products;
- (c) to construct, own, maintain and operate pipelines and oil refineries;
- (d) to distribute petroleum and petroleum products;
- (e) to do all acts necessary or convenient to the effectual exercise of any of the foregoing authorities.

(2) It is not competent to the corporation sole to exercise an authority referred to in subsection (1)(a) to (d) until it has obtained the approval of the Governor in Council to the exercise of that authority.

(3) Where an approval relates to the construction, maintenance or operation of a pipeline or an oil refinery, the approval shall include a description of the lands on, over or under which the pipeline or refinery is to be situated sufficient in the opinion of the Governor in Council to identify those lands.

(3A) Such description may be expressed by means of or be supplemented by reference to a plan or map of the lands concerned.

(4) The rights, powers, authorities and entitlements had by the corporation sole under this Act may be exercised by it or on its behalf on, over or under any land in Queensland or within the coastal waters of the State (within the meaning of the *Coastal Waters (State Powers) Act 1980* (Cwlth)).

Corporation sole to have powers etc. of holder of authority etc.

7B.(1) Where the corporation sole engages or proposes to engage in an activity for which any other person so engaging would be required by this Act to hold an authority to prospect or a lease or licence then, in addition to all rights, powers, authorities and entitlements expressly conferred on it by this Act the corporation sole has and may exercise for the purpose of so engaging all the rights, powers, authorities and entitlements conferred by this Act on the holder of an authority to prospect or, as the case may be, of a lease or licence in relation to such activity as if—

- (a) the corporation sole were that holder; and
- (b) the land on, over or under which the activity is or is to be engaged in were land specified in the authority to prospect, lease or, as the case may be, the licence.

(2) Where the rights, powers, authorities and entitlements of a holder of an authority to prospect or of a lease or licence in relation to any activity are subject to any prescribed strictures or conditions, the corporation sole, in the exercise of any of those rights, powers, authorities or entitlements, shall be subject to and shall comply with such strictures and conditions.

(3) However, in no case shall the corporation sole be liable—

- (a) to pay royalty; or
- (b) to pay compensation to the Crown; or
- (c) to suffer any penalty or forfeiture or to be prosecuted for an offence against this Act; or
- (d) to have any authority conferred on it by this Act withdrawn otherwise than by an Act; or
- (e) to act as a common carrier in relation to a pipeline.

Entry by corporation sole

7C.(1) For the purpose of searching for or recovering petroleum the corporation sole, by its agents and servants, may enter upon and occupy temporarily or permanently—

- (a) Crown land;
- (b) land held from the Crown on any tenure or used under licence from the Crown.

(1A) The authority conferred by subsection (1) includes authority to be accompanied in the exercise thereof by such persons, animals, vehicles, plant and equipment as are necessary or desirable to attain the object of the entry.

(1B) Nothing in this section shall be taken to authorise entry by the corporation sole upon land that is subject to a subsisting authority to prospect or lease granted under this Act, except with the agreement of the holder for the time being of the authority or lease.

(2) Compensation shall not be payable in respect of entry or occupation (pursuant to subsection (1)) upon or of land held or used under an instrument of title or licence that reserves to the Crown petroleum in or on the land, except on account of permanent deprivation of possession of such portion of the surface thereof and of improvements on such portion as is required by the corporation sole for any purpose other than the actual searching for or recovering petroleum and the exercise of surface rights of ingress to and egress from the site of such activity.

Extent of liability of corporation sole

7D.(1) The corporation sole shall incur no liability in law to any person on account of loss or injury caused by anything done or omitted by the corporation sole or its servants in connection with the exercise of any of the rights, powers, authorities and entitlements of the corporation sole unless negligence on the part of the corporation sole or its servants is proved.

(2) A person shall not be entitled to recover against the corporation sole or its servants damages in respect of loss or injury caused by—

- (a) anything done or omitted by the corporation sole or its servants for the purpose of discharging or performing any of the functions, authorities, powers or duties of the corporation sole under this Act; or
- (b) anything arising out of employment by the corporation sole for the purpose of discharging or performing any of the functions, authorities, powers or duties of the corporation sole under this Act;

unless—

- (c) in the case of injury to the person—when so required by the corporation sole, the person alleged to be injured submits to examination by a legally qualified medical practitioner nominated by the corporation sole and furnishes to the medical practitioner all information that the medical practitioner requires to enable the medical practitioner to assess the full extent and nature of the injury; or
- (d) in the case of loss of property—when so required by the corporation sole, the plaintiff permits a person nominated by the corporation sole to have access to and to inspect the property in respect of which loss is alleged to have been suffered and furnishes to that person all facilities and information that the person requires to enable the person to assess the full extent and nature of the loss and the amount (if any) expended or required to be expended in repairing the property.

(3) Non-compliance with the provisions of subsection (2) shall not prejudice the recovery of damages if the court that is hearing the action for damages finds that there was reasonable excuse for the non-compliance.

(4) The legally qualified medical practitioner to whose examination a person is required by subsection (2)(c) to submit is authorised to make all relevant examinations of that person, to carry out all relevant tests on that person and to take all relevant specimens from that person that the medical practitioner requires to enable the medical practitioner to assess the full extent and nature of the injury to that person.

Land resumptions

8.(1) The Minister may cause land proposed to be taken for any purpose of this Act to be inspected by such persons as the Minister thinks fit.

(2) A person authorised by the Minister to inspect land proposed to be taken is authorised to enter upon the land and to carry out thereon such inspection or other activity as is necessary or expedient to that person's reporting on the land's suitability for the purpose for which it is proposed to be taken.

(3) In assessing compensation payable to any person on account of a taking of land for any purpose of this Act no allowance shall be made for petroleum known or supposed to be in or on the land.

PART 3—PROSPECTING PERMITS AND LEASES

Permits and leases

9.(1) Subject to this Act—

- (a) the Minister may issue prospecting permits to any extent in each case not exceeding 520 km² to be covered by 1 permit; and
- (b) the Governor in Council may grant petroleum leases to any extent in each case not exceeding 260 km² demised by 1 lease—

to qualified persons covering or comprising any land within Queensland which is not excluded from permit or lease under a regulation made for the purposes of subsection (2).

(2) The Governor in Council may, by regulation, declare an area in respect of which a permit or lease under this Act must not be granted.

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.

(1A) The area to be held under such authority, the terms, rent, and the conditions, provisions, and stipulations as to labour and other matters shall be fixed by the Minister.

(1B) 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 the holder 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 Wardens 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 14 days from the date of such discovery, to the Minister on the nature of the discovery.

(4A) The Minister may thereupon call upon the holder of the authority to apply for a lease of the land or such part thereof as the Minister may deem advisable or to continue prospecting operations.

(5) Notwithstanding that pursuant to a subsisting proclamation under section 9(2), any land an authority to prospect whereon has been granted, is proclaimed as being not open to permit or lease—

- (a) upon application by the holder of the authority to prospect, a permit may be granted in respect of such land or part thereof; or

- (b) upon the holder of the authority declaring that payable deposits of petroleum have been discovered within the limits of such land or any part thereof and making application in that behalf, a lease may be granted in respect of such land or part thereof.

Variation of authority to prospect

9B.(1) The Minister may pursuant to agreement with the holder of an authority to prospect, from time to time vary any condition, provision or stipulation as specified in the authority whereupon, until a further variation is duly made, the condition, provision or stipulation as so varied is taken to be the condition, provision or stipulation specified in the authority.

- (2) A copy of every variation is to be given to the holder of the authority.

Renewal of authority to prospect

9C.(1) Upon application of the holder of an authority to prospect made to the Minister at least 30 days (or such shorter period as the Minister in a particular case permits) prior to the expiration of the term of the authority current at the material time, the Minister may from time to time grant a renewal of the authority for such term and upon such rental, conditions, provisions and stipulations as the Minister determines.

(2) Where an application for renewal of an authority to prospect is duly made by the holder but the application has not been disposed of by the Minister before the date on which the term of the authority then current would, but for this subsection, have expired (the “**expiry date**”) the authority, subject to subsection (3), continues in force until the application is disposed of by the Minister, who may grant a renewal of it notwithstanding that the expiry date has passed.

(3) The provisions of this Act applicable to and in respect of the authority to prospect and the holder thereof apply to and in respect of the authority and its holder during the period the authority is continued in force under subsection (2).

Surrender of authority to prospect

9D.(1) The holder of an authority to prospect may at any time surrender

the holder's interest in an authority to prospect or any part of the land comprising the authority to prospect but a surrender in respect of part of the land comprising an authority to prospect may only be surrendered if that part can be identified from the land comprising the balance of the authority to prospect by the same or similar means whereby the land comprising the authority to prospect is described and identified by the authority to prospect.

(2) Where an authority to prospect is surrendered in respect of part only of the land comprising the authority to prospect, the authority to prospect is to be amended by excising that part and otherwise as may be required to conform with this Act and the authority to prospect continues in respect of the balance of the area.

(3) In the case of a surrender of an authority to prospect (in whole or in part) all adjustments between the Crown and the holder in respect of the payment of rental, fees or other moneys are at the discretion of the Minister who, for this purpose, may demand of the holder such sums as the Minister specifies and recover the same by action in the Wardens Court as a debt due to the Crown.

(4) Where the purpose of the holder's surrender of an interest in the whole or part of the land comprising an authority to prospect is to be granted a new authority to prospect over land that includes or is included in the authority to prospect or part surrendered, the holder may continue to carry on prospecting operations on or in the land included in the authority to prospect or part surrendered subject to and in accordance with the authority to prospect, as if that authority to prospect continued to relate to that land or part thereof until the application for a new authority to prospect is granted or refused by the Minister (whichever event is the first to occur) and in the event of the application being refused the surrender is to be taken to be void and the authority to prospect, which but for this provision would have been affected thereby, revives in respect of the authority to prospect or part purportedly surrendered and continues for the balance of its term then outstanding as if the surrender had never been effected.

Cancellation of authority to prospect

9E. If the holder of an authority to prospect fails to pay the rental or any other moneys payable thereunder or in respect thereof by the due date for payment or fails to comply with any stipulation or condition specified in the authority and by the holder to be observed or performed, the Minister may,

by writing directed to the holder, cancel the authority to prospect and upon receipt of the writing by the holder the authority terminates.

Application by holder of authority to prospect for authority to extend to others

9F.(1) Upon application of the holder of an authority to prospect and upon the applicant complying with the provisions of this Act relating to such an application, the Minister may, in the Minister's absolute discretion and upon such stipulations and conditions as the Minister determines, approve that all the entitlements of the holder under this Act with respect to the whole of the land the subject of the authority to prospect shall vest in—

- (a) another person or other persons; or
- (b) the holder and another person or other persons;

specified in the application.

(2) An application referred to in subsection (1) shall be made in the prescribed form to the Minister and shall be signed by all persons in whom the entitlements of the holder of the authority to prospect shall vest if the application is approved and shall be accompanied by the authority to prospect in question.

(3) Upon giving his or her approval to an application made under subsection (1), the Minister shall cause particulars of the vesting of the entitlements of the holder of the authority to prospect to be entered in the appropriate register and on the authority to prospect.

(4) Upon the vesting of the entitlements of the holder of an authority to prospect under this section, the authority to prospect is not thereby terminated and the person or persons in whom the entitlements are vested become the holder of the authority to prospect.

Qualification of permittees and lessees

10. The following persons shall be qualified to apply for and hold a permit or lease, namely—

- (a) any natural person;
- (b) any company;

- (c) any lawful association of the abovementioned persons.

Limit to number of permits and leases

12.(1) For the purposes of this section the State shall be deemed to be divided into 3 divisions by the 20th and 24th parallels of latitude.

(2) A person shall not be entitled to apply for, acquire, or hold in any 1 division of the State a number of leases or permits, or an aggregated number of leases and permits, in excess of 5 at any time when the number of permits or leases, or the aggregated number of permits and leases, held by the person in any other division of the State exceeds 5.

(3) Save as prescribed by subsection (2) the number of permits or leases which any person may apply for, acquire, and hold shall not be limited.

(4) Where 1 company or corporation is a member of, or holds any beneficial interest in, another company or corporation, then this section shall apply to each such company or corporation as if it held in its own right all leases or permits, or leases and permits held by them respectively.

(5) All leases acquired by the original permittee within the area comprised in the original permittee's permit and all subdivisions of such leases shall, for the purposes of this section, be deemed to be one lease.

PART 4—PROVISIONS RELATING TO PERMITS

Applications for permits

Particulars of application for permit

14.(1) The application for a permit shall state—

- (a) the applicant's full name, address, and occupation;
- (b) that the applicant is a qualified person as hereinbefore provided;
- (d) full details of all rights, title, and interest which the applicant has or holds (whether directly or indirectly or whether as a

shareholder or stockholder of any company or corporation or in any other capacity whatsoever) in any other permits or leases under this Act, disclosing the full nature and extent of every such right, title, and interest.

Plan

(3) The application shall be accompanied by a plan and description locating the land applied for in a reasonably compact form and according to the legal land surveys, if the land has been surveyed; or, if the land is an unsurveyed area, then in an approximately rectangular block the length of which shall not exceed $2\frac{1}{2}$ times its width.

(4) Lands which are not contiguous may be included in one application 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.

(4A) Where the land is unsurveyed, if deemed necessary a survey more fully identifying the land may be required before the permit is granted.

Lodging application

(5) The application shall be lodged with the nearest warden, addressed to the Minister, and shall, unless excused by the Minister, be accompanied by 3 references signed by persons of good repute as to the applicant's business and good financial standing.

(5A) The applicant shall pay to the warden, when lodging the application, a sum equal to 40c for every square kilometre of land or part thereof applied for, which sum if the permit is granted shall be applied in and towards the first year's rent or, if the permit is refused or a lesser area than is applied for is granted under the permit, shall be returned to the applicant wholly or proportionately as the case may require.

(6) Before a permit is granted by the Minister the applicant shall deposit with the Minister a sum of not less than \$2 000 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.

(7) The amount of the deposit may be increased by the Minister in any case where in the Minister's opinion the circumstances warrant an increase.

Warden to report

15. On receipt of an application the warden shall forward to the Minister the application, references, and other prescribed documents together with the warden's report thereon.

Action by Minister

16.(1) On receipt of the application, documents, and report from the warden, the Minister shall deal with the application.

(2) Prior to dealing with the application the Minister may require such geological or other information and opinions concerning the land comprised in such application as the Minister deems necessary.

(3) The Minister may, in the Minister's discretion, refuse any application for a permit, or may approve of the same either in its entirety or in part and on such terms and conditions as the facts appear to the Minister to warrant.

(4) Upon approval by the Minister of the application, or upon its being amended to the satisfaction of the Minister and approved in its amended form, the Minister may grant a prospecting permit under this Act to such applicant as appears to the Minister to be entitled thereto.

Permit**Form of permit**

17.(1) Every permit shall be in the form prescribed, with such variations as the Minister may in special cases require, and shall confer upon the permittee the exclusive right to prospect for and obtain petroleum, and for no other purpose, upon and under the land covered thereby, for a period of 2 years or such extended period as may be granted as hereinafter provided, provided that the permittee duly complies with this Act and with the terms and conditions of the permit.

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

Extension of permit

18.(1) If for any good reason the permittee is unable with the exercise of reasonable diligence to test the land within 2 years, application for an extension for a further period not exceeding 2 years may be filed within the currency of the permit.

(2) Such application shall be accompanied by satisfactory evidence on oath as to the causes that make such extension necessary and as to what efforts have been made to comply with the conditions of the permit.

(3) The application for extension shall be addressed to the Minister and filed in the office of the nearest warden or with the Director-General, Department of Mines, Brisbane.

(4) The Minister may, if satisfied that good reasons have been shown for the extension of the permit, extend the permit for such time not exceeding a further period of 2 years as the Minister thinks proper and upon such terms and conditions as the Minister thinks proper.

(5) However, the Minister may, upon application as provided in the case of an extension in the first instance and if satisfied that good reasons have been shown for a further extension of the permit, extend the permit for such further period not exceeding 2 years as the Minister thinks proper and upon such terms and conditions as the Minister thinks proper.

(6) In addition, in any case in which the term of a permit has been extended pursuant to the provisions of this section the Minister may, if in the Minister's opinion payable deposits of petroleum have been discovered, require the permittee to apply for the area comprised in the permit or a part thereof as a lease, and the requirement of the Minister shall be obeyed accordingly.

(7) All the provisions of this Act relating to permits shall apply to the permit as so extended, save and except such of them as have already been completely fulfilled by the permittee.

Marking land

19. The permittee shall, within 90 days from the commencement of the period of the permit as hereinbefore prescribed, mark the land so that the boundaries can be readily traced on the ground, and shall post in a

conspicuous place upon the land a notice setting forth that such permit has been granted, and a description of the land and the area covered thereby.

Rent

20.(1) The permittee shall pay annually in advance by way of rent in respect of the permit a sum equal to 40c for each square kilometre or part thereof covered by the permit.

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

Existing permits continued in force

20A.(1) Every permit in force at the passing of the *Petroleum Acts Amendment Act 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 1939* had not been passed.

(2) Any permit in force at the passing of the *Petroleum Acts Amendment Act 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 1939* had not been passed.

Duty of permittee

22.(1) The permittee shall within 4 months from the commencement of the period of the permit as hereinbefore prescribed proceed to have made geological or geological and geophysical examination of the land with a view to the determination of geological structure favourable to boring, and shall within 6 months of such commencement of the period of the permit furnish to the Minister satisfactory proof that such geological or geological and geophysical examination has been commenced.

(2) The permittee shall carry out scout drilling when directed by the Minister so to do.

(3) The permittee shall furnish to the Minister from time to time, in such form as may be directed by the Minister or as may be prescribed, full and complete data setting forth the results of geological or geological and

geophysical examination or other investigation, or any tests or examination, logs of boring, or any other information or evidence obtained by or given to such permittee, or any further particulars, statistics, or information as may be required by the Minister during the period covered by the permit or any extension thereof.

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

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

Commencement of drilling

22A.(1) The permittee shall within 1 year from the commencement of the period of the permit as hereinbefore prescribed install upon some portion of the land a substantial and adequate drilling outfit and commence drilling, and shall, within 2 years from the date of the permit, drill at least 1 well to a depth of at least 600 m, unless payable deposits of petroleum are discovered at lesser depth, or, if the Minister so approves, drill wells in the land to an aggregate depth of at least 600 m and so as adequately to prospect the land.

(2) However, upon application by the permittee in that behalf the Minister, in any case in which the circumstances seem to the Minister just and equitable, may, in the Minister's absolute discretion, grant such extended period, not exceeding in respect of such extension a term of 1 year at any one time or 4 years in all, beyond the period prescribed by this section.

(3) In addition, nothing in subsection (2) shall confer upon any permittee a right to claim any such extension of time, but the Minister shall have an absolute and unfettered discretion to approve or refuse any such application for such extension of time, and the Minister's decision shall be final and conclusive and without appeal.

Rights to water etc.

23.(1) The permittee shall have the right—

- (a) to take and divert water from any natural spring, lake, pool, or watercourse situated on or flowing through any land (including any private land or improved land) covered by the permit and to use such water for any purpose necessary or incidental to the permittee's prospecting and mining operation; and
- (b) to cut and use any timber on such land for building or construction works or firewood or other necessary purposes; and
- (c) to depasture on such land all stock used in connection with the permittee's prospecting and mining operation;

subject, however, to any conditions prescribed with respect to payment for water, timber, or agistment in cases where the making of such payment is deemed necessary.

(2) For the purposes of both this section and section 24, in addition to the meanings given to the terms by section 3—

“**permit**” shall include an authority to prospect;

“**permittee**” shall include the holder of an authority to prospect.

Private land—compensation before commencement of drilling

24.(1) If the permittee determines to drill on any portion of private land or improved land covered by the permit the permittee shall, before commencing such drilling, apply to the nearest Wardens Court to determine the amount of compensation payable by the permittee in respect of operations during the first year of the period of the permit.

(2) At the end of such first year the warden shall determine what further compensation (if any) should be paid in respect of operations during such first year, and shall also determine the amount of compensation payable for the balance of the period of the permit.

(3) The applicant shall state and describe in such application the area of the surface of private land or improved land required and the purpose for which it is required, and shall give such further information as the Wardens Court shall require.

Notice to be given

(4) Notice of such application shall be given by the warden to the owner or occupier of the private land or improved land, or, if the land is vacant, shall be affixed in some conspicuous place on the land.

(5) Such notice shall state a day upon which the application will be heard.

Expiration of permit

25. If a permittee fails to discover petroleum during the period of the permit or any extension thereof the permit shall thereupon terminate.

Cancellation of permit

26.(1) The Minister, if the Minister has cause to believe that a permittee has failed to comply or is not making reasonable endeavours to comply with any provisions of this Act relating to permits or with any of the provisions or conditions of the permit, may at any time during the currency thereof order the warden to call upon the permittee to show cause why the permittee's permit should not be cancelled.

(2) The warden shall thereupon give at least 14 days notice to the permittee or the permittee's agent to appear before the warden and show cause why the permit should not be cancelled, and having heard the matter in open court shall forward the evidence to the Minister, who, if satisfied that it is just to do so, may cancel the permit, and the decision of the Minister in the matter shall be final and without appeal.

Effect of termination of permit

27. Upon the termination of a permit, whether by expiration or cancellation, the land covered thereby shall automatically revert to its original status.

PART 5—PROVISIONS RELATING TO LEASES

Lease to holder of authority to prospect or permittee

28.(1) Subject to subsection (2), a holder of an authority to prospect or a permittee may apply to the Minister for the grant to the applicant, or to the applicant and other qualified persons nominated by the applicant, of a lease or leases of such area of land as is reasonably required to develop and produce payable deposits of petroleum within the land the subject of the authority to prospect or permit.

(1A) If the applicant and any other persons nominated by the applicant are qualified persons and the applicant—

- (a) declares that deposits of petroleum that the applicant believes on reasonable grounds to be payable have been discovered within the land the subject of the application; and
- (b) lodges with the Minister a proposed program for developing and producing petroleum from any field within the land;

the applicant is entitled to have a lease granted to the applicant and the other persons (if any) nominated by the applicant.

(1B) On compliance with subsection (1A), the relevant land is taken, for the purposes of subsection (1), to contain payable deposits of petroleum capable of development and production.

(1C) A lease is to be granted by the Governor in Council.

(2) The lands in respect of which a lease is granted under subsection (1C)—

- (a) shall not exceed 260 km² in area; and
- (b) unless otherwise approved by the Governor in Council shall be bounded by boundaries which are a rectilinear figure the sides whereof (which may be of any number) are formed by parts of meridians of longitude and by chords, each subtending a minute of arc, of parallels of latitude and described by whole minutes of latitude and longitude; and
- (c) shall be described and marked on a plan in such manner that they can be readily identified.

(3) The Governor in Council may, if in the Governor in Council's opinion the special circumstances of the particular case render it necessary or desirable so to do, approve that lands which are not contiguous may be included in one lease.

(4) The applicant for the lease shall, when and as required by the Minister, and may at the applicant's option (but in either case at the applicant's own expense) survey and mark upon the ground, in accordance with the relevant regulations, all or any portion of the boundaries of the lease.

(5) When such survey and marking is accepted as correct by the Minister, the boundaries or portion of the boundaries as so marked shall be the boundaries or, as the case may be, that portion of the boundaries of the lease.

Preferent right to further lease

29.(1) Upon the grant of a lease of a part of the land covered by a permit, the remainder of the land covered by the permit shall remain covered by the permit until the expiration of 12 months from the date of the lease first granted to the permittee, notwithstanding that the period of the permit calculated as hereinbefore prescribed may have expired, and during such period of 12 months the permittee shall be entitled to a preferent right to a lease of the remainder or any portion of such remainder of the land covered by the permittee's permit.

(2) If after the expiration of such period of 12 months the period of the permit calculated as hereinbefore prescribed has not expired, so much of the land as has not been acquired under a lease or leases by the permittee shall remain covered by the permit until the termination of the permit.

Lease to person other than a holder of an authority to prospect or permittee

29A.(1) Upon application in that behalf made as prescribed by subsection (6) by a person—

- (a) who establishes to the satisfaction of the Governor in Council that the person has discovered payable deposits of petroleum within the limits of the land specified in the application; and

(b) who is a qualified person as hereinbefore provided in this Act; the Governor in Council shall, subject to subsections (2) to (5B), grant to such person a lease of the lands specified in the application.

(2) An applicant under this section shall not be granted a lease of—

- (a) land comprised in a subsisting authority to prospect, permit or lease (whether granted before, on or after the date of the enactment of this section);
- (b) land comprised in an area which, pursuant to a subsisting proclamation under section 9(2), is proclaimed as being not open to permit or lease;
- (c) land the area whereof exceeds 260 km².

(3) Unless the Governor in Council otherwise approves, the land in respect whereof the application is made shall be bounded by boundaries which are a rectilinear figure the sides whereof (which may be of any number) are formed by parts of meridians of longitude and by chords, each subtending a minute of arc, of parallels of latitude and described by whole minutes of latitude and longitude.

(4) The Governor in Council may, if in the Governor in Council's opinion the special circumstances of the particular case render it necessary or desirable so to do, approve that lands which are not contiguous may be included in one lease.

(5) The land in respect whereof the application is made shall be described and marked upon a plan in such manner that it can be readily identified.

(5A) The applicant shall, when and as required by the Minister, and may at the applicant's option (but in either case at the applicant's own expense) survey and mark upon the ground, in accordance with the relevant regulations, all or any portion of the boundaries of the lease.

(5B) When such survey and marking is accepted as correct by the Minister, the boundaries or portion of the boundaries as so marked shall be the boundaries or, as the case may be, that portion of the boundaries of the lease.

(6) An application under this section shall be made to the warden at Brisbane, and shall be heard by the warden in open court on a date not earlier than 2 months after the making thereof.

(6A) The said warden shall fix such date and shall give not less than 14 days prior public notice thereof by advertisement in a newspaper published in Brisbane and in a newspaper circulating in the locality in which the land specified in the application is situated.

(6B) The said warden may in open court adjourn the hearing of the application from time to time.

(6C) The said warden may give to such persons as the warden deems advisable notice of the date fixed by the warden for hearing the application and of any adjournment of such hearing by the warden.

(7) The said warden shall make or cause to be made a record of the evidence heard by the warden and shall transmit such record to the Minister together with a finding as to whether or not the applicant has proved to the warden's satisfaction that the applicant has discovered payable deposits of petroleum within the limits of the land specified in the application.

(8) Such finding shall not be binding upon the Governor in Council or the Minister.

Security in respect of leases

30.(1) Before the grant of a lease, the applicant therefor shall deposit with the Minister such security (being to the amount of not less than \$10 000) as the Minister shall fix for the compliance by the lessee with the provisions of this Act and of the terms and conditions of the lease and for the payments of any compensation or damages which may be or become payable by the lessee to any owner or occupier of improved land or private land comprised in the lease.

(2) The security may be in the form of cash deposit banker's cheque or bank draft payable to the Treasurer, Commonwealth treasury bonds or inscribed stock, guarantee, indemnity, or bond in a form approved by the Crown Solicitor, by a bank, bonding, or insurance company approved by the Crown Solicitor, or any other security approved by the Crown Solicitor, or partly in one form and partly in another form or other forms.

(2A) The Crown Solicitor may at any time upon application by the lessee, through the Minister, approve of the substitution for any security held under this subsection of other security in such form as may be approved by the Crown Solicitor.

(2B) If a deposit is in such form as will require exchange to be paid in Brisbane, then such exchange shall when necessary be added to the amount thereof.

(2C) If the security is in the form of inscribed stock or other security not transferable by delivery it shall be accompanied by a duly executed and stamped transfer of such stock or security to the Treasurer.

(2D) When the deposit is in cash it shall be placed in an interest-bearing bank trust account in the name of the Treasurer to be operated on only in accordance with the provisions of this Act.

(2E) Interest (if any) accruing on the security deposit shall be made available to the lessee when collected by the Treasurer.

(3) If any security furnished under this section shall become unacceptable to the Minister or the Crown Solicitor or if any surety shall fail to furnish reports as to the surety's financial condition, from time to time, as requested by the Minister, the lessee shall, within 30 days of demand, furnish such additional or alternative security as may be required by the Minister or the Crown Solicitor up to an amount equal to the amount of the security.

(4) Upon the breach by the lessee of any provision of this Act or any term or condition of the lease, so much of the security deposited as the Minister shall determine shall be forfeited to the Crown.

(4A) If the lessee fails to pay any amount of compensation or damages recovered against the lessee by an owner or occupier of improved land or private land included in the lease, so much of the security deposited as is necessary to pay such amount of compensation or damages may, by direction of the Minister, be forfeited to the Crown and, in such case, such amount of compensation or damages shall be paid to the owner or occupier aforementioned entitled thereto from Consolidated Fund.

(5) At the expiration of 1 year following upon the termination of a lease (whether by effluxion of time, surrender, or forfeiture of the lease) the Minister shall refund to the person who was the lessee immediately prior to the termination of the lease, the security held in respect of the lease immediately prior to the date of such refund.

Form etc. of lease

31. Every lease shall—

- (a) be in the form prescribed, with such variations as the Governor in Council may in special cases approve; and
- (b) confer upon the lessee the exclusive right to prospect for, mine, extract, recover, remove, and dispose of all petroleum in or under the land demised, with the right to construct and maintain thereon all works buildings plant waterways (including any pipelines for conveying water) roads pipelines reservoirs tanks pumping stations and other structures necessary to the full enjoyment thereof; and
- (c) be for a term no longer than the period nominated (with reasons for the nomination) by the applicant as an appropriate term for producing in an economically viable way the petroleum from the fields within the land the subject of the lease.

Entitlement to renewal of lease

31A.(1) The lessee of a lease who has substantially complied with this Act, and the terms and conditions of the lease, in relation to that lease, at the expiration of the lease, is entitled, subject to subsection (2), to a renewal of the lease.

(2) A lessee referred to in subsection (1), before the expiration of the lease, is to—

- (a) declare whether deposits of petroleum, that the lessee believes on reasonable grounds to be payable, exist within the land the subject of the lease; and
- (b) lodge with the Minister a proposed program for producing petroleum from any field within the land.

(3) The renewed lease must be for a term no longer than the period nominated (with reasons for the nomination) by the lessee as an appropriate term for producing in an economically viable way the petroleum from the fields within the land the subject of the lease.

(4) The law relating to the amount and payment of royalties and of rent in force at the time of renewal applies to the renewed lease.

Rent

32.(1) The lessee of a lease the application for which is made on or after 1 January 1982 shall pay in advance, beginning with the date of the application, an annual rental at the rate of \$20 for every square kilometre or part thereof for and in respect of the land demised.

(1A) The provisions of subsection (1) do not affect the rental payable by the lessee of a lease the application for which was made before 1 January 1982 and determined under any enactment prior to the *Mining Act and Other Acts Amendment Act 1982*.

(2) All rents shall be paid to the nearest warden unless the Minister otherwise directs.

Reservations, conditions and covenants of lease

33.(1) Every lease shall contain the following reservations, covenants and conditions, namely—

- (a) a reservation of power to authorise mining on the land for any purpose other than the production or obtaining of petroleum or petroleum products, but not such as to interfere with, encroach upon, or endanger operations for producing or obtaining petroleum;
- (b) a covenant by the lessee to pay the prescribed rent in accordance with this Act;
- (c) a covenant by the lessee to pay the prescribed royalty in accordance with this Act;
- (d) a covenant by the lessee to work the land demised by the lease in accordance with recognised good oilfield practice and in compliance with this Act, unless exemption or partial exemption is granted in such manner as may be prescribed;
- (e) a covenant by the lessee that, if directed by the Minister not to dispose of any petroleum or petroleum products for use or consumption outside Australia, the lessee will not so dispose of any petroleum or petroleum products;
- (f) a covenant by the lessee to comply with the provisions of this Act;

- (g) a covenant by the lessee to use the land bona fide exclusively for the purpose for which it is demised and in accordance with this Act, unless prevented from so doing by circumstances beyond the lessee's power and control;
- (h) a covenant by the lessee not to assign, transfer, sublet, mortgage or make the subject of any trust the lease or the land or any part thereof otherwise than in accordance with this Act;
- (i) a condition for the forfeiture of the lease in the event of any breach of any covenant or condition by the lessee and the failure of the lessee completely to remedy the same within 3 months (or such further time as the Minister may in the Minister's discretion, allow) after the Minister shall have given to the lessee notice in writing to make good the same.

(2) When an application for a lease has been approved and notwithstanding that the instrument of lease has not been executed and whether or not the applicant shall have entered upon the land as provided for in this Act, the applicant and the applicant's assigns shall be deemed to have entered into the covenants and to have accepted the reservations and conditions provided for in subsection (1) and shall in all respects be bound thereby.

Commencement of drilling

34.(1) The lessee shall each year expend on the lease in respect of drilling for petroleum or such other work as the Minister may in writing approve a total sum of money calculated at the rate of \$1 550 per square kilometre for each square kilometre or part thereof contained in the lease.

(1A) The total sum is to be reduced by the value at the wellhead, as agreed or determined under section 40C, of all petroleum produced from the lease in the year.

(1B) Subsections (1) and (1A) are complied with in relation to each of the leases that are the subject of a unitisation arrangement under section 41A if those subsections are complied with in relation to the leases taken as a whole.

(1C) The Minister may grant exemption in writing from the requirements of subsection (1) for such period and under such conditions as

the Minister may fix.

(1D) If a conservation authority appointed under this Act restricts production from the lease then the value at the wellhead mentioned in subsection (1) shall be determined on production that, in the opinion of the conservation authority, reasonably could have been expected from the lease had production not been so restricted.

(2) The lessee shall drill all necessary wells fairly to offset the wells of others on adjoining land on petroleum deposits.

Plans and reports

35. The lessee shall furnish annually and at such intervening times as the Minister may require in the manner and form prescribed by the Minister—

- (a) a plan showing all development work and improvements on the land demised and other relative information, with a report as to all buildings, structures, and other works placed in or upon the land demised;
- (b) a statement as to the amount and grade of petroleum produced and sold during the preceding 12 months or such shorter period as may be prescribed by the Minister and the amount received therefor;
- (c) full information as to all work done in exercise of the rights conferred by the lease, all expenditure thereon, and all results obtained.

Compliance with and modification of program for development and production

36.(1) The lessee must comply substantially with the current program for development and production of petroleum lodged with the Minister under section 28(1A)(b) or 31A(2)(b) or subsection (2).

(2) The lessee may, from time to time, lodge with the Minister a program in substitution for that program.

Use and occupation of mining area on private or improved land

37.(1) With respect to the use and occupation by a lessee of any of the land demised, every lessee shall—

- (a) as against the owner or occupier only of any such land, but not otherwise, be and be deemed to be in occupation of only such area of such land as the lessee from time to time requires for effectively carrying on and adequately protecting all the mining operations and the storing, refining, transporting, and communication works in connection with all the lessee's mining operations carried on or to be carried on from time to time or at any time during the term of the lease or any extension thereof, together with all rights and easements incidental to such occupation;
- (b) during such time have the right personally or by agents or workers, to take and divert water from any natural spring, lake, pool, or watercourse situated on or flowing through any such land, and may use such water for any purpose necessary or incidental to the mining operations and to the bona fide occupation of the land leased; and may cut and use any timber on any such land for building purposes, construction works, firewood, or other necessary purposes; and may depasture on such land all stock used in connection with all such mining or other operations or used by workers or employees of such lessee; subject however to any conditions prescribed with respect to payment for water timber or agistment in cases where the making of such payment is deemed necessary;

Survey of mining area

- (c) cause to be surveyed and securely fenced each surface area on any such land which the lessee requires so as to effectively carry on and adequately protect the lessee's mining operations and works.

(2) However, paragraph (1)(c) shall not apply in relation to any vacant Crown land except in so far as the Minister, in relation to any such land contained in a lease, by notice in writing to the lessee concerned, so directs.

Surrender and determination of lease

38.(1) The lessee may, with the consent of the Minister in writing, surrender and terminate the lease upon the payment of all rents royalties and other obligations due and payable to the Crown and upon payment of all wages and moneys due and payable to the workers employed by the lessee and upon proof satisfactory to the Minister that the public interest will not be impaired, but in no case shall such surrender be effective until the lessee has made full provision for conservation and protection of the property.

(2) Upon the acceptance of such surrender by the Minister the lessee shall be relieved of all future obligations under the lease.

(3) The lessee may with the like consent surrender to the Crown any legal subdivision of the area comprised within the lease.

Proceedings for forfeiture

39.(1) If the lessee fails to comply with the provisions of this Act or makes default in the performance or observance of any of the terms covenants and stipulations of the lease, and such default continues after service of written notice thereof has been given by the Minister to the lessee, then the Minister may institute appropriate proceedings for the forfeiture and cancellation of the lease in accordance with the provisions of the Mining Act.

(2) But this provision shall not be construed to prevent the exercise by the Minister of any legal or equitable remedy which the Minister might otherwise have.

(3) The waiver of any particular cause of forfeiture shall not prevent the forfeiture and cancellation of the lease for any other cause of forfeiture or for the same cause occurring at any other time.

PART 6—PROVISIONS APPLICABLE TO PERMITS AND LEASES

Signing of applications

40.(1) Every application for a permit or lease made by an individual person or association of persons must be signed in person by the person or by each of them, as the case may be.

(2) Every application for a permit or lease by a company or corporation must be made by a duly authorised attorney, under power of attorney in that behalf.

Royalty

40A.(1) Any person who produces petroleum shall, subject to this Act, pay royalty to the State at the rate of 10% of the value at the wellhead of the petroleum.

(2) There shall be set off against the amount of royalty payable in any year under this Act the amount of rental paid under this Act in that year by the producer in respect of a lease of or a permit or authority to prospect granted in relation to the land from which the petroleum in question was produced.

(3) Should the amount of such rental exceed, in any year, the amount of such royalty, no royalty shall be payable by the producer in question in respect of that year.

Royalty not payable in certain cases

40B.(1) Royalty under this Act is not payable—

- (a)** in respect of petroleum that the Minister is satisfied was unavoidably lost before the quantity of that petroleum was ascertained;
- (b)** in respect of petroleum that, with the approval of the Minister, is used by the person who produces it for the purposes of petroleum-prospecting operations or operations for the recovery of petroleum;

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- (c) in respect of petroleum that, with the approval of the Minister, is flared or vented by the person who produces it in connection with operations for the recovery of petroleum.

(2) Where petroleum which has been produced is, with the approval of the Minister, returned to a natural reservoir royalty under this Act is not payable in respect of that petroleum by reason of that production.

(3) Subsection (2) shall not affect the liability of any person to pay royalty in respect of petroleum that is produced from such natural reservoir.

Ascertainment of value

40C. For the purposes of this Act, the value at the wellhead of any petroleum is such amount as is agreed between the Minister and the person who produces the petroleum or, failing such agreement within a period allowed by the Minister (either generally or in a particular case) as is determined by the Minister as being that value.

Ascertainment of quantity of petroleum produced

40D. For the purposes of this Act, the quantity of petroleum produced by a person during a period shall be taken to be—

- (a) the quantity measured during that period by a measuring device approved by the Minister and installed at the wellhead or at such other place as the Minister approves; or
- (b) where—
- (i) such a measuring device is not so installed; or
 - (ii) the Minister is not satisfied that the quantity of petroleum produced by such person has been properly or accurately measured by such a measuring device so installed;

the quantity determined by the Minister as the quantity produced by such person during that period.

Assessment and payment of royalty

40E.(1) Royalty shall be payable under this Act on a monthly basis and shall be paid to the Director-General, Department of Mines, as prescribed

by this section.

(2) A person who produces petroleum shall, in each month, furnish to the Director-General a statement in or to the effect of the prescribed form showing the quantity and value at the wellhead of the petroleum produced by the person during the last preceding month and such other information as the Minister requires and, at the time of furnishing such statement, shall pay the amount which, on the basis of the contents of such statement, appears to be the amount of royalty payable under this Act in respect of petroleum produced during the month to which such statement relates.

(2A) Where the value at the wellhead of petroleum produced by any person has not been established as prescribed by section 40C at the time such person furnishes such a statement the person shall show in the statement furnished by the person as the value at the wellhead of the petroleum in question the value which the person calculates should be the value at the wellhead of such petroleum.

(3) A person who produces petroleum shall, upon the requisition of the Director-General or of any person authorised in that behalf by the Director-General, produce to the Director-General, such authorised person or otherwise as so required all books, accounts and other records in relation to the person's production of petroleum and the person's operations carried on in connection therewith and shall permit the Director-General, such authorised person or other person to whom production is made to examine and make copies of such books, accounts and other records.

(4) The Director-General shall cause the amount of royalty payable under this Act to be assessed and, where it is found that the amount of royalty properly payable in respect of any month is other than the amount of royalty paid in respect of that month, there shall be paid by or, as the case may require, to the person who produced the petroleum in question the difference between the amount of royalty so paid and the amount of royalty found to be properly payable in respect of that month.

(5) A person who produces petroleum shall pay any additional royalty found to be properly payable under this Act within 30 days after the last day of the month in which it is found to be payable or within such extended time as the Minister approves.

(6) Where a person who produces petroleum fails to pay royalty under this Act at or within the time prescribed or allowed to the person for the

payment thereof the person shall pay to the Director-General, in addition to the amount of royalty unpaid, an amount calculated at the rate of $\frac{1}{3}\%$ per day upon the amount of royalty from time to time remaining unpaid, to be computed from the time such royalty became payable until it is paid.

(7) An additional amount of royalty which becomes payable as a consequence of the establishment of the value at the wellhead of the petroleum in question after a statement has been furnished under subsection (2) in relation to the production of that petroleum shall, for the purposes of subsection (6), not become payable until the date following the date on which such value is established.

Reduction of royalty rate

40F. Where the Governor in Council is satisfied that the rate of production of petroleum from a well has, from natural causes, become so reduced that, having regard to the rate of royalty prescribed by section 40A, further production of petroleum from that well would be uneconomic, the Governor in Council may, by regulation, determine that for the period specified therein royalty shall be payable in respect of petroleum produced from that well at the rate (being a rate less than the rate prescribed by section 40A) specified therein.

Assignment etc. of lease

41.(1) No permit or lease or interest in such permit or lease shall be directly or indirectly assigned, transferred, sublet, mortgaged, or made the subject of any trust, except with the prior consent of the Minister, and any such dealing with such permit or lease made without such consent shall be void.

(1A) The Minister may, upon application for consent thereto, require such information concerning any proposed such dealing as the Minister considers necessary or desirable.

(1B) The Minister shall not be bound to consent to any such dealing.

(1C) A mere right to receive a permit or lease is not capable of being dealt with as aforesaid.

(2) Where any lease or any interest in such lease has, with the consent of

the Minister, pursuant to subsection (1), been sublet, mortgaged, or made the subject of any trust, and the Minister gives to the lessee notice in writing to make good any breach of any covenant or condition as referred to in section 33(1)(i), the Minister shall cause a copy of such notice to be forwarded to any sublessee, mortgagee, or trustee concerned.

Subleases under unitisation arrangements

41A.(1) In this section—

“**sublease**” means a sublease of a lease in relation to the whole or part of the land the subject of the lease, the whole or part of the petroleum produced, or both;

“**unitisation arrangement**” means an arrangement, acceptable to the Minister, among lessees for the ordered production and sharing of petroleum from the land the subject of the leases and the apportionment of entitlements among the lessees under the arrangement.

(2) Where a unitisation arrangement provides for all the parties to the arrangement to acquire by sublease an interest in each of the leases specified in the arrangement—

- (a) a lessee may grant a sublease to the parties to the arrangement; and
- (b) despite section 41(1), the Minister must consent to the sublease if the parties to the arrangement submit to the Minister a schedule of the interests in the sublease of each party under the arrangement.

(3) The schedule of interests must be recorded in the register of petroleum leases and forms part of the relevant sublease.

(4) On submission by the parties to a unitisation arrangement to the Minister of a modified schedule of interests in substitution of the schedule recorded in the register, the modified schedule must be recorded in the register and becomes the schedule of interests.

(5) Section 41(1) does not apply to a schedule of interests in a sublease submitted under subsection (2)(b) or (4).

(6) A sublease under a unitisation arrangement referred to in subsection (2), a schedule of interests and a modified schedule of interests

in the sublease are exempt from stamp duty.

Forfeiture of excess holding

42.(1) Any interest in any permit or lease held in violation of this Act shall be forfeited to the Crown by appropriate proceedings instituted by the Minister for that purpose in accordance with the provisions of the Mining Act.

(1A) However—

- (a) any ownership or interest forbidden by this Act which has been acquired as beneficiary under any will or intestacy, or by judgment or decree, may after its acquisition be held for 2 years (or during the remainder of the currency of the permit or lease, which ever is the shorter period) and not longer;
- (b) nothing herein contained shall be construed to prevent any number of lessees from combining their several interests, as far as may be necessary, for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipeline or lines or a tramway or tramways to be operated and used by them jointly in the transportation of petroleum from their several wells or from the wells of other lessees: but any combination for any such purpose shall be subject to the approval of the Minister on application to the Minister in prescribed form for permission to form the same;
- (c) an individual qualified person may hold shares or stock in any number of companies or corporations holding permits or leases, provided that such individual does not hold a controlling interest in any of such companies or corporations.

(2) If any permit or lease or any land covered or demised thereby—

- (a) is assigned, transferred, sublet, or made the subject of a trust, except with the consent of the Minister first had and obtained; or
- (b) is possessed or controlled by any device permanently, temporarily, directly, indirectly, tacitly or in any manner whatsoever so that with the cognisance of the permittee or lessee any such land is in anywise controlled by any combination or is or forms part of the subject of any contract, agreement, or

understanding, written, oral, or otherwise, in or for the purpose of the mining or disposal of petroleum with a view to control the price or prices of petroleum; or

- (c) is held by any person in excess of the area of lands permitted by this Act;

the permit or lease shall be forfeited to the Crown by appropriate proceedings instituted by the Minister for that purpose in accordance with the provisions of the Mining Act.

(3) Subsection (2)(a) does not apply to a sublease under section 41A.

(4) Despite subsection (2), and for the purposes of the *Trade Practices Act 1974* (Cwlth), approval and authority are given for the parties to a unitisation arrangement under section 41A to agree or enter into arrangements for petroleum produced under the unitisation arrangement to be sold or disposed of on common terms or at a common price to the same or different purchasers.

Trespass

43.(1) Every entry upon, occupation of, or interference with any land the subject of any permit or lease or authority to prospect shall be deemed a trespass unless such entry, occupation, or interference is authorised by the Minister in pursuance of the powers vested in the Minister under this Act.

(2) However, the owner or occupier of any private land or improved land may continue in occupation, use, and enjoyment of all such land, save and except such parts thereof as are required by such permittee or lessee or holder of the authority to prospect for mining purposes and construction work under this Act.

(3) Every permittee or lessee or holder of an authority to prospect may proceed in the Wardens Court for such trespass and for damages in respect thereof.

Reservations in favour of Crown

44.(1) Notwithstanding the grant of a permit or lease or authority to prospect, the following rights are expressly reserved to the Crown and such reservation shall be deemed to be contained in every permit, lease, and

authority to prospect—

Rights reserved, easements, and rights of way

(2) The right to grant upon such terms as the Governor in Council thinks just for joint or several use such easements or rights of way through upon or in the land covered by the permit or comprised in the lease or held under the authority to prospect as may be necessary or appropriate to the development or working of the same or of other lands containing petroleum deposits and the treatment and transportation of the products thereof by or under authority of the Government, its lessees or permittees, or holders from it of authorities to prospect, or for other public purposes; and the Governor in Council may from time to time make such grants accordingly.

Pipelines to convey at reasonable rates

(3) The right to require the permittee or lessee or holder of the authority to prospect, if he or she is the owner or operator of any pipeline or is the owner of a controlling interest in any pipeline or in any company or corporation operating any pipeline, which pipeline may be operated so as to convey as well the petroleum derived from the land covered by the permit or comprised in the lease or held under the authority to prospect as other petroleum, to accept and convey at reasonable rates and without discrimination the petroleum of the Government or any other person who is not the owner of any pipeline.

Refineries and pipelines

45.(1) The Governor in Council may grant to any person permission in writing to construct and operate an oil refinery, subject to such terms and conditions as to the construction, control, conduct, management and operation of such refinery as the Governor in Council deems fit.

(1A) The permission may contain a condition for the payment of fees in respect of the permission on such periodical or other basis as the Governor in Council deems fit.

(1B) Any holder of a permission granted pursuant to subsection (1) may construct and operate an oil refinery subject to the terms and conditions subject to which such permission is granted.

(1C) Such conditions may include a condition that the permission may be cancelled by the Governor in Council for failure by the holder of the

permission to comply with any of the terms or conditions to which the permission is subject or in such other circumstances as are specified in such condition, and that cancellation may be imposed by the Governor in Council for any such failure notwithstanding that the Governor in Council has not imposed it in respect of any prior such failure.

(1D) The permission may contain a provision that it shall not be cancelled for a breach of any specified term or condition if the breach shall have been remedied within a specified time after the Minister shall have given to the holder of the permission notice of the breach.

(1E) The liability to cancellation of the permission pursuant to such condition shall be in addition to and not in substitution for the liability imposed by subsection (1F).

(1F) If any holder of a permission granted pursuant to subsection (1) fails to comply with any term or condition subject to which such permission is granted the holder shall forfeit and pay to the Crown the sum of \$2 000 per day for each and every day during which such failure continues.

(1G) Any amount of moneys payable to the Crown under subsection (1F) shall be recoverable and may be recovered as a debt due to Her Majesty by the Crown pursuant to the provisions of the *Crown Proceedings Act 1980*, by action in any court of competent jurisdiction against the person granted the permission in question.

(1H) The institution by the Crown of proceedings to recover any moneys payable to it under subsection (1F) by a holder of a permission granted pursuant to subsection (1) in respect of the holder's failure to comply with any term or condition to which such permission is subject, shall not prejudice or affect the right of the Crown to recover any further sums which may become forfeited and payable to it by reason of the continuance of such failure.

(1I) The Crown may, at its option, institute proceedings to recover part only of any sum forfeited and payable to it under subsection (1F) and, in such case, the Crown shall be deemed to have abandoned the excess.

(1J) In any such proceedings evidence shall not be led or admitted proving or tending to prove that the amount in issue is a penalty and, as such, is unreasonable or excessive.

(2) The Governor in Council may, by Gazette notice, grant to any person (the "**grantee**") permission in writing to enter upon the lands described in

such permission, and upon any other lands giving necessary access to such lands, for the purposes of making any investigations, including any surveys, deemed by the grantee necessary or desirable in relation to the construction, or proposed or contemplated construction of a pipeline on, over, or under any of such lands.

(2A) The Gazette notice shall contain a description, sufficient in the opinion of the Governor in Council to identify the same, of the lands the subject of the permission.

(2B) Such description may be by means of or supplemented by a plan.

(2C) The Governor in Council may grant such permission subject to such conditions as the Governor in Council deems fit.

(2D) Subject to such conditions as aforesaid, the grantee and any person authorised in writing by the grantee may, during the currency of such permission, with such assistants, and with such vehicles and things as the grantee or any person so authorised deems necessary or convenient for the carrying out of the purposes of such entry or re-entry, enter and re-enter from time to time upon the lands the subject of the permission, and make such investigations, including surveys, as the grantee deems necessary or desirable in relation to the construction, or proposed or contemplated construction of a pipeline on, over, or under any of such lands.

(2E) The grantee shall make compensation in accordance with this Act to the owner of any private land or the holder under the Crown of any Crown land or, in the case of either private land or Crown land, to any person in lawful occupation thereof, in respect of any damage occasioned to such owner, holder, or occupier or, in the case of unoccupied Crown land, to the Crown in respect of any damage occasioned to any improvements on such Crown land, by such entry or re-entry upon the land or by the carrying out thereon of the purposes of the entry or re-entry.

(3) The Governor in Council may grant to any person a licence for the construction and operation of a pipeline, subject to such terms and conditions as to the construction, control, conduct, management and operation of such pipeline as the Governor in Council deems fit.

(3A) The licence may contain a condition for the payment of fees in respect of the licence on such periodical or other basis as the Governor in Council deems fit.

(3B) Such licence shall contain a description, sufficient in the opinion of

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the Governor in Council to identify the same, of the lands on, over, or under which a pipeline may, in accordance with the licence, be constructed.

(3C) Such description may be by means of or supplemented by a plan.

(3D) The grant of a licence under subsection (3) shall be notified in the Gazette and a plan showing, by reference to the lands on, over, or under which a pipeline may, in accordance with the licence, be constructed, the route of the pipeline shall be exhibited as the Minister may direct.

(3E) A pipeline constructed under the authority of a licence shall at all times be such as will permit the proper operation of the pipeline in accordance with the terms and conditions of the licence and in accordance with every regulation made for the purposes of section 4G in relation to the pipeline.

(3F) Despite anything in subsections (3) to (3S), the parties to a unitisation arrangement, on application by the parties or by any party for and on behalf of the parties, are entitled to the grant of a licence relating to a pipeline that under the arrangement is the part of a petroleum-gathering system outside the leased land to which the arrangement applies.

(3G) In subsections (3F), (3H) and (3I), “unitisation arrangement” has the meaning defined by section 41A(1).

(3H) Unless the Minister otherwise approves a licence granted under subsection (3), whether before or after the commencement of the *Petroleum Act Amendment Act 1988*, shall be subject to the condition that the licensee shall accept and discharge the obligations of a common carrier and, as a common carrier, shall transport for reward by means of the pipeline authorised by the licence, petroleum the property of any other person.

(3I) The condition does not apply to the extent that a part of a petroleum-gathering system under a unitisation arrangement is outside the leased land to which the arrangement applies.

(3J) If a licensee fails to comply with such condition the Governor in Council may, by Gazette notice, cancel the licence that authorises the pipeline.

(3K) However, where a licence or any land or any easement or right of way upon any land acquired for the purposes of a licence has, with the consent of the Minister pursuant to subsection (4) been leased, subleased, or mortgaged, or made the subject of any trust, the Governor in Council shall

not cancel such licence until after notice to any lessee, sublessee, mortgagee, or trustee concerned.

(3L) A licence granted under subsection (3) may include a condition that the licence may be cancelled by the Governor in Council for failure by the licensee to comply with any of the terms or conditions to which the licence is subject or in such other circumstances as are specified in such condition and that cancellation may be imposed by the Governor in Council for any such failure notwithstanding that the Governor in Council has not imposed it in respect of any prior such failure.

(3M) The licence may contain a provision that it shall not be cancelled for a breach of any specified term or condition (including the express condition referred to in subsection (3H)) if the breach shall have been remedied within a specified time after the Minister shall have given to the licensee, or to any mortgagee of the licence, or both of them, notice of the breach.

(3N) The liability to a cancellation of the licence pursuant to the provisions of subsection (3J) or (3L) shall be in addition to and not in substitution for the liability imposed by subsection (3O).

(3O) If any licensee fails to comply with the express condition referred to in subsection (3H) or with any other term or condition to which the licence is subject the licensee shall forfeit and pay to the Crown the sum of \$2 000 per day for each and every day during which such failure continues.

(3P) Any amount of moneys payable to the Crown under subsection (3O) shall be recoverable and may be recovered as a debt due to Her Majesty by the Crown pursuant to the provisions of the *Crown Proceedings Act 1980*, by action in any court of competent jurisdiction against the licensee.

(3Q) The institution by the Crown of proceedings to recover any moneys payable to it under subsection (3O) by a licensee in respect of the licensee's failure to comply with any term or condition to which the licence is subject, shall not prejudice or affect the right of the Crown to recover any further sums which may become forfeited and payable to it by reason of the continuance of such failure.

(3R) The Crown may, at its option, institute proceedings to recover part only of any sum forfeited and payable to it under this section and, in such case, the Crown shall be deemed to have abandoned the excess.

(3S) In any such proceedings evidence shall not be led or admitted

proving or tending to prove that the amount in issue is a penalty and, as such, is unreasonable or excessive.

(4) No permission granted under subsection (1) or licence granted under subsection (3), or land, or easement or right of way upon any land, acquired for the purposes of such permission or licence shall be directly or indirectly assigned, transferred, leased, subleased, mortgaged, or made the subject of any trust except with the prior consent of the Minister, and any such dealing with such permission, licence, land, easement, or right of way made without such consent shall be void.

(5) The Minister may, upon application for consent thereto, require such information concerning any proposed such dealing as the Minister considers necessary or desirable.

(6) The Minister shall not be bound to consent to any such dealing.

(7) Where any licence has been assigned or transferred to any other person pursuant to subsection (4) the assignee or transferee shall, immediately upon the completion of such assignment or transfer, be for all the purposes of this Act the licensee in respect of that licence.

Construction etc. of pipeline

45A.(1) A licensee shall, as soon as practicable after the grant of the licence, make all proper endeavours to acquire by agreement with owners, holders and occupiers all rights required by the licensee in respect of lands (other than Crown lands) for the purposes of the pipeline.

(2) Notwithstanding anything contained in the *Land Act 1962* or in any other Act, the Governor in Council may grant to a licensee any lease or easement or right of way which is required for the pipeline in respect of any Crown land.

(2A) The grant shall be for the duration of the licence, and shall be subject to such other terms and conditions as the Governor in Council may impose and set out in the grant, and to such other terms and conditions as may be prescribed by the regulations.

(3) A licensee may, subject to this Act, construct, maintain and use a pipeline on, over, or under any land described in the licence which has been acquired, or an easement or right of way upon which has been acquired by the licensee for the purposes of the pipeline, and on, over, or under any

railway, road and tramway and in, on, over, through, or across any waterway (including any foreshore or land referred to in section 45C(3)).

(4) A licensee may, subject to this Act and with the prior approval of the Governor in Council, declared by Gazette notice—

- (a) construct, maintain and use a pipeline on, over or under land described in the licence and specified in the approval; and
- (b) for any of those purposes or purposes incidental to those purposes, enter upon and occupy temporarily such land;

notwithstanding that at the time of such entry, occupation, construction or use the licensee has not acquired any right pertaining to or any estate or interest in the land in question other than the right conferred by this subsection.

(4A) The authority conferred by subsection (4) includes authority to be accompanied in the exercise thereof by such persons, animals, vehicles, plant and equipment as are necessary or desirable to attain the purpose in question.

(5) A person other than the corporation sole shall not undertake the construction of a pipeline of which any part extends beyond the boundaries of a lease, except under and in accordance with the authority of a licence granted under this Act.

Acquisition of land for pipeline purposes

45B.(1) A licensee shall, as soon as practicable after obtaining the approval of the Governor in Council under section 45A(4), take all such steps as are necessary to acquire, in accordance with this section, the land, or a lease of or an easement or right of way upon the land the subject of such approval.

(2) Any land or any easement or right of way upon any land referred to in an approval of the Governor in Council under section 45A(4), which is a holding or part of a holding under the *Land Act 1962*, and which is required for the pipeline may be resumed by the Governor in Council under and in accordance with such last mentioned Act.

(2A) The cost of such resumption and the compensation payable consequent thereon shall be forthwith paid by the licensee to the Minister.

(2B) Upon such payment the Governor in Council may deal with such land or easement or right of way in accordance with section 45A(2).

(2C) Before resuming such land or easement or right of way as aforesaid the Governor in Council may require the licensee to deposit with the Minister such moneys or other securities as are, in the opinion of the Minister, sufficient to ensure the payment by the licensee of sums to be paid by the licensee as aforesaid.

(3) All lands other than Crown lands and all easements and rights of way (other than easements and rights of way in respect of Crown lands) referred to in a Gazette notice under section 45A(4) which are required for the pipeline may be resumed and acquired by the corporation sole as if the construction, maintenance or use of the pipeline were for the purposes of this Act except that any lands taken shall vest in the Crown and any easements and rights of way taken shall be in the name and for the benefit of the licensee.

(3A) All the purchase money and compensation payable in respect of lands or easements or rights of way so acquired together with all expenses incurred by the corporation sole in effecting such resumption or acquisition shall forthwith be paid by the licensee to the corporation sole and upon such payment the lands resumed or acquired shall be granted to the licensee.

(3B) Before resuming or acquiring such lands or easements or rights of way as aforesaid the corporation sole may require the licensee to deposit with it such moneys or other securities as are in its opinion sufficient to ensure the payment by the licensee of sums to be paid by the licensee as aforesaid.

(4) If the Governor in Council, pursuant to section 45(3J) or (3L), cancels the licence, or if the licensee fails to comply with any term or condition of the grant under this section or under section 45A of any lease or easement or right of way, the Governor in Council may, by Gazette notice, cancel such grant.

(5) Where any land or any easement or right of way upon any land is resumed or acquired under this section, no compensation shall be payable upon such resumption or acquisition in respect of any enhancement or prospective enhancement of the value of such land resulting or which may result from any improvements constructed or which may be constructed on, or anything done or which may be done with respect to the land in question

by the licensee pursuant to this Act.

(6) Where damage is such that compensation therefor is claimable both upon a resumption or acquisition under this section, and under section 45C or section 45(2E), such compensation may be claimed upon the resumption or acquisition or it may be claimed under such last mentioned section or subsection, but it shall not be claimed both upon the resumption or acquisition and under such section or subsection.

Rights of a licensee

45C.(1) A licensee may, with such assistants, and with such vehicles and things as the licensee deems necessary or convenient for the carrying out of the purposes of such entry, at all times enter upon any land described in the licence and on, over, or under which the licensee is empowered under this Act to construct a pipeline (and upon any other land giving necessary access to such land) and construct, inspect, test, operate, maintain, repair, alter, add to, or replace a pipeline belonging to the licensee but, unless the land in question is land an easement or right of way upon which has been acquired by the licensee for the purposes of the pipeline, the licensee shall make compensation in accordance with this Act to the owner of any private land or holder under the Crown of any Crown land, or in the case of either private land or Crown land, to any person in lawful occupation thereof, in respect of any damage occasioned to such owner, holder, or occupier or, in the case of unoccupied Crown land, to the Crown in respect of any damage occasioned to any improvements on such Crown land, by such entry, construction, inspection, test, operation, maintenance, repair, alteration, addition, or replacement and anything connected therewith.

(2) In respect of land the subject of an easement or right of way for the purposes of the pipeline the licensee—

- (a) shall have and may exercise all the rights of entry upon land specified in subsection (1); and
- (b) may thereon construct, inspect, test, operate, maintain, repair, alter, add to, or replace the pipeline and, from time to time, take and do all such steps and things as are necessary or convenient for such purposes or any of them.

(3) The rights of a licensee under an easement or right of way for the purposes of the pipeline shall include a right that no person shall, without

the prior permission of the licensee or otherwise than in compliance in every respect with any terms, provisions, or limitations imposed by the licensee in respect of the permission erect or place any building or structure whatsoever in, on, or over the land the subject of the easement or right of way or, except for the purpose of cultivating the land in accordance with recognised good land husbandry, dig into such land.

Crossing of railways, roads etc.

45D.(1) Where it is necessary for the pipeline to be constructed on, over or under any lands the property of Queensland Railways or reserved for railway purposes or upon which there is any railway of Queensland Railways, the pipeline shall be constructed and maintained (and, where Queensland Railways, in operating the railway so requires, altered, added to, or replaced) at the expense of the licensee, to the satisfaction of Queensland Railways so as not to impede the safe working of the railways of Queensland Railways and so as not unnecessarily to obstruct the working thereof.

(1A) The powers given to a licensee under section 45C shall, in respect of lands referred to in this section, be exercised only with the prior approval of Queensland Railways.

(1B) Any additional expense which Queensland Railways may at any time incur in operating the railway by reason of the existence and operation of the pipeline or by reason of the exercise by the licensee of the licensee's powers under section 45C upon any of the lands referred to in this section shall be borne by the licensee.

(1C) If any dispute arises between the licensee and Queensland Railways under subsections (1) to (1B) the question shall be determined by the Governor in Council.

(1D) Any failure by the licensee to comply with the decision of the Governor in Council made under subsection (1C) shall, for the purposes of section 45(3) to (3S), be deemed to be a failure to comply with a term or condition to which the licence is subject.

(1E) The licensee shall indemnify Queensland Railways against any loss which Queensland Railways may incur or any payment which Queensland Railways may be required to make in respect of the loss of life of or injury to any person, or any animal, or damage to any property, by reason of the

existence of the pipeline on, over, or under any of the lands aforementioned, and the exercise by the licensee of licensee's powers under section 45C upon any of such lands.

(2) Where it is necessary for the pipeline to be constructed on, over, or under any road or any tramway the licensee shall construct and maintain the pipeline (and, where required, alter, add to, or replace the pipeline) at the expense of the licensee so as not to impede the safe and efficient use of such road or tramway, and shall to the extent necessary cause a substituted road or tramway to be made.

(2A) Such construction and maintenance shall be to the satisfaction of, and such alteration, addition or replacement may be required by and shall be to the satisfaction of—

- (a) in the case of roads proclaimed under the *Main Roads Act 1920*—the chief executive (of the department in which the *Transport Infrastructure Act 1994* is administered); or
- (b) in the case of other roads—the Minister; or
- (c) in the case of any tramway—the owner of such tramway.

(2B) If any dispute arises between the licensee and that chief executive or the Minister or the owner of any tramway under the provisions of subsection (2C) the question shall be determined by the Governor in Council.

(2C) Any failure by the licensee to comply with the decision of the Governor in Council made under subsection (2B) shall, for the purposes of section 45(3) to (3S), be deemed to be a failure to comply with a term or condition to which the licence is subject.

(3) Where it is necessary for the pipeline to be constructed in, on, over, through, or across any foreshore or any land lying under the sea within Queensland waters or any land lying under any harbour (including any navigable river), whether the foreshore or land is alienated or held from the Crown or not, the provisions of section 86 of the *Harbours Act 1955*, shall, except as hereinafter provided, apply with respect to the pipeline.

(3A) However, the provisions of the said section 86(3) shall apply subject to such adaptations, modifications or additions as the Governor in Council in sanctioning such construction pursuant to section 86(2) of that Act may determine.

(4) Where it is necessary for the pipeline to be constructed in, on, over or under any watercourse, lake or spring the pipeline shall be constructed, maintained, altered, added to and replaced at the expense of the licensee to the satisfaction of the chief executive (of the department in which the *Primary Industries Corporation Act 1992* is administered) (in subsections (5) to (9) referred to as the “**chief executive**”) and so as not to unnecessarily—

- (a) pollute, interfere with or impede the water or the flow of water in such watercourse, lake or spring;
- (b) interfere with or damage the bed or banks of any watercourse or lake where such bed and banks are the property of the Crown.

(5) The licensee shall not carry out any work in, on, over or under any watercourse, lake or spring except—

- (a) with the consent (first had and obtained) or at the direction of the chief executive;
- (b) where in relation to such work—the chief executive imposes requirements or approves plans or specifications, in compliance with all such requirements, plans and specifications.

(6) Whenever in the opinion of the chief executive the pipeline does or is likely to unnecessarily—

- (a) pollute, interfere with or impede the water or flow of water in any watercourse, lake or spring; or
- (b) interfere with or damage the bed or banks of any watercourse or lake where such bed and banks are the property of the Crown;

the chief executive may direct the licensee in writing to take within the time therein specified such measures as, in the chief executive’s opinion, are necessary to prevent such pollution, interference, impediment or, as the case may be, damage and the licensee shall comply in all respects with such direction.

(7) If any dispute arises between the licensee and the chief executive under subsections (4) to (6) the question shall be determined by the Governor in Council.

(8) Any failure by the licensee to comply with the decision of the Governor in Council made under subsection (7) shall, for the purposes of

section 45(3) to (3S), be deemed to be a failure to comply with a term or condition to which the licence is subject.

(9) The terms “watercourse”, “lake” and “spring” when used in subsections (4) to (6) have respectively the meanings respectively assigned to those terms by the *Water Act 1926*.

Registration and effect of easements etc.

45E.(1) Whenever an easement or right of way affecting land under the *Land Title Act 1994*, shall have been acquired by a licensee for the purposes of a pipeline, the Registrar of Titles shall, when the Registrar of Titles shall have notice thereof, record in the register particulars of the easement or right of way in respect of the land affected thereby in such manner as to preserve its priority.

(2) Notwithstanding any other Act or law and notwithstanding that any easement or right of way acquired by a licensee for the purposes of a pipeline is not being annexed to or enjoyed together with any other land—

- (a) in the case of land under the *Land Title Act 1994*—the provisions of subsection (1) shall apply;
- (b) in the case of other land—any law relating to the registration of the instrument of grant of the easement or right of way shall apply;
- (c) in any case—any easement or right of way acquired by a licensee for the purposes of a pipeline shall be a valid easement or right of way, and binding on all persons affected thereby.

(3) For the purposes of the registration of any instrument relating to any land (including any instrument of grant of an easement or right of way) acquired by a licensee for the purposes of a pipeline a plan signed by the Coordinator-General of Public Works shall be a sufficient plan.

Petroleum product pipelines

45F.(1) For the purposes of encouraging, facilitating and regulating the construction of a petroleum product pipeline, the Governor in Council may, by regulation, declare that sections 45(2) to (7) and 45A to 45E apply to a specified petroleum product pipeline (whether it is being constructed or is

proposed or contemplated to be constructed).

(2) The regulation must contain a description of the lands on, over or under which the pipeline is being constructed or proposed or contemplated to be constructed.

(2A) The sections mentioned in subsection (1) apply, with any necessary modifications, to the petroleum product pipeline as if it were a pipeline within the meaning of section 3.

(3) In this section—

“petroleum product” means a product that wholly or substantially consists of or is wholly or substantially derived from hydrocarbons and that is not petroleum as defined in section 3;

“petroleum product pipeline” means a system of pipes used for conveying a petroleum product and all ancillary equipment and works connected therewith such as tanks, reservoirs, pumps, loading facilities, structures supporting the line, pump houses, and apparatus to afford protection against corrosion.

Bond

46. Every permittee and lessee shall furnish and maintain the prescribed security, whether by way of cash, bond, or otherwise howsoever, conditioned upon compliance with the terms of the permit or lease, as the case may be, and of this Act.

Logs of wells

47. Every permittee and lessee and holder of an authority to prospect shall keep a log, in the form prescribed by the Minister, of all the wells drilled by the permittee, lessee or holder, showing the strata and character of the ground passed through by the drill, which log or a copy thereof shall from time to time be furnished to the Minister upon demand.

Restrictions on location of drills

48.(1) A permittee or lessee or holder of an authority to prospect shall not commence drilling within 60 m of any of the outer boundaries of the land

covered by the permit or comprised in the lease or held under the authority to prospect, as the case may be, unless the adjoining land is not the subject of any permit or lease or authority to prospect under this Act.

(2) However, this restriction shall not apply to any bore which is being drilled at the time such permit or lease or authority to prospect of the adjoining land is granted in respect of such adjoining land.

Prevention of waste etc.

49.(1) Every permittee and lessee and holder of an authority to prospect shall carry on all his or her operations in a good and skilful manner in accordance with recognised and approved methods and practice to the satisfaction of the Minister and shall take all reasonable precautions to prevent waste of petroleum developed in the land and to prevent the entrance of water through wells drilled by the permittee, lessee or holder to the petroleum deposits so to destroy or injure or be likely to destroy or injure any petroleum deposits.

(2) Every permittee and lessee and holder of an authority to prospect shall carry out at his or her own expense all reasonable requirements directions and orders of the Minister relative to the prevention of waste and the protection and preservation of the land held by the permittee, lessee or holder, and neighbouring property, and for the safety, protection, and welfare of workers, and shall comply with such rules and directions as are issued by the Minister under this Act as to methods of operation.

(3) The Minister is authorised to do any and all things necessary to carry out and accomplish the purposes of this Act in that behalf.

Casting well

50. Every permittee and every lessee and every holder of an authority to prospect unless in any case wholly or partially excused by the Minister from so doing, shall properly case each well with metal casing in accordance with the best approved methods, landing and effectually cementing 1 or more strings of the casing in clay or other water-impervious strata and generally shall take all such steps as may be reasonably necessary for effectually shutting off the escape of all water and for effectually preventing any water from penetrating any petroleum deposits, and for effectually preventing any

petroleum from penetrating any aquifer.

Water rights

50A. Notwithstanding the provisions of the *Water Resources Act 1989*—

- (a) a holder of an authority to prospect, a permittee or a lessee may, with the prior permission in writing of the Minister and subject to such terms and conditions as the Minister deems fit, which terms and conditions shall be set out in such permission, search for, obtain, store and use underground water (including artesian and subartesian water) within the limits of the land covered or demised by the authority, permit, or lease, for any of the purposes for which such authority, permit, or lease was granted and for any purpose incidental thereto;
- (aa) the Minister shall before granting any such permission refer the application for permission to the chief executive (of the department in which the *Primary Industries Corporation Act 1992* is administered), who shall investigate the application and make thereon to the Minister a report, together with such recommendation as that chief executive deems fit;
- (ab) any permission granted by the Minister pursuant to paragraph (a) may authorise the holder of the authority to prospect, permittee, or lessee to supply, by agreement between the parties (but subject to the obtaining by such holder, permittee, or lessee of the prior approval of that chief executive as to the quantities and usage of the water in question), to the owner or occupier of the land covered or demised by the authority, permit, or lease, or the owner or occupier of any land adjoining or in the vicinity of such land, any water obtained by such holder, permittee, or lessee, pursuant to such permission, that is surplus to the requirements of such holder, permittee, or lessee for the purposes aforementioned;
- (b) where, on any land covered or demised by an authority to prospect, permit, or lease, there is situated an artesian well or subartesian well licensed under the provisions of the *Water Resources Act 1989*, then—
 - (i) if, in the opinion of that chief executive, such well is capable of producing more water than is required by the holder of the

licence under such last mentioned Act in respect of such well; and

- (ii) if, in the opinion of the Minister, the holder of the authority to prospect, permittee, or lessee reasonably requires such excess water or any part thereof for any of the purposes for which such authority, permit, or lease was granted or for any purpose incidental thereto;

the Minister may authorise or require the holder of the licence under the *Water Resources Act 1989*, to supply to the holder of the authority to prospect, permittee, or lessee such excess water or part thereof on such terms and conditions as may, subject to the approval of the Minister, be agreed upon between the holder of the licence and the holder of the authority to prospect, permittee, or lessee or, failing such agreement, as the Minister deems fit, and such holder, permittee, or lessee may thereupon acquire and use such excess water or part thereof for the purposes aforementioned.

Abandonment of well

51.(1) No person shall abandon any well that has been drilled for petroleum unless, prior to the well being abandoned, it has been properly and effectively plugged so as to prevent any damage occurring to any aquifers and petroleum deposits.

(2) No person shall withdraw any casing from any well that has been drilled for petroleum or any well that, pursuant to permission granted under section 50A, has been drilled for water, without the prior consent in writing of the Minister or, where such consent has been granted subject to any terms and conditions, otherwise than in accordance with such terms and conditions.

(2A) The Minister may consent to any withdrawal as aforesaid subject to such terms and conditions as the Minister deems fit.

(3) No person shall sell or lease or grant any rights with respect to any well that has been drilled for petroleum or any well that, pursuant to permission granted under section 50A, has been drilled for water, or any casing in such a well or any other fixture attached to such a well, without the prior consent in writing of the Minister or, where such consent has been

granted subject to any terms and conditions, otherwise than in accordance with such terms and conditions.

(3A) The Minister may consent to any such sale, lease, or grant as aforesaid subject to such terms and conditions as the Minister deems fit.

(4) On the termination by forfeiture, surrender or expiry of an authority to prospect, permit, or lease, the ownership of any well that has been drilled for petroleum, and any well that, pursuant to permission granted under section 50A, has been drilled for water, on the land covered or demised by such authority, permit, or lease, together with all casing in such well and all other fixtures attached to such well, excepting any well, casing or fixture that with the consent of the Minister has been sold pursuant to subsections (3) to (3A), shall vest in the Crown, and any lease and any other rights granted under those subsections shall terminate.

(4A) Thereupon no person shall use such well for any purpose or remove any casing or fixture therefrom except with the prior consent in writing of the Minister.

(4B) The Minister may consent to any use or removal as aforesaid conditioned upon payment to the Minister of the value of the well, to be determined by the Minister, or such lesser sum as the Minister may determine.

(4C) Upon payment as aforesaid the well or, as the case may be, casing or fixture, shall become the property of the payer.

(4D) Any moneys so paid to the Minister shall upon demand be paid out to the person who was the owner of the well immediately before the ownership of the well vested in the Crown.

(5) Where the owner or occupier of the land whereon a well is situated becomes the owner of that well pursuant to this section, and obtains a licence under the *Water Resources Act 1989*, in respect of that well, the foregoing provisions of this section shall cease to apply with respect to that well.

(6) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence against this Act.

Conduct of operations on land

52.(1) The holder of an authority to prospect, permittee or lessee shall so conduct operations under the authority, permit, or lease as not to interfere with the existing use of the land covered or demised by the authority, permit, or lease to a greater extent than may be necessary.

(1A) In the event of any dispute the Minister may determine the extent of such interference which is so necessary.

(2) The holder of an authority to prospect, permittee, or lessee shall make compensation in accordance with this Act to the owner of any private land or holder under the Crown of any Crown land or, in the case of either private land or Crown land, to any person in lawful occupation thereof in respect of all damage caused by the holder, permittee or lessee to crops and improvements on such land, including any permanent artificial water supply.

(3) Such compensation shall include reimbursement for the occupation of that portion of the land occupied by the holder, permittee, or lessee for mining and construction works during the period of such occupation.

(4) In respect of any land so occupied the holder, permittee, or lessee shall do such things and take such precautions as may be prescribed to prevent any injury to such land or any property of the owner, holder or occupier of such land as aforementioned situated upon such land, and shall promptly repair any damage resulting from improper methods of mining or from any failure to do the things and take the precautions as aforesaid.

Compliance with Act etc.

53.(1) Every permittee and lessee and holder of an authority to prospect shall duly and punctually comply with this Act and with the requirements, directions, and orders of the Minister given and issued under the terms of the permit or lease or authority to prospect as the case may be.

(2) The permittee, lessee or holder shall conduct all mining drilling and relative productive operations, subject to the inspection of the Minister or authorised officer or representative.

(3) The permittee, lessee or holder shall abide by and conform to regulations in force from time to time covering the matters referred to in the permit or lease or authority to prospect, as the case may be.

(4) However, the permittee or lessee or holder of the authority to prospect shall not be held responsible for delays occasioned by causes beyond his or her control.

(5) In the event of the permittee or lessee or holder of the authority to prospect failing or neglecting to carry out the requirements of the Minister, the Minister by his or her workers and agents shall have the right to enter on the land and carry out any necessary operations at the permittee's or lessee's or holder's expense.

Regulations may prescribe further provisions

54. The regulations under this Act may provide for and prescribe further provisions and conditions with respect to permits and leases and authorities to prospect, including power to make regulations regarding any matters or things concerned with respect to the conveyance of petroleum by pipelines, as set forth in section 44(3).

Minister's powers concerning petroleum

54A. The Minister shall have and may exercise such powers and authorities with respect to controlling the recovery or distribution of petroleum as are for the time being conferred on the Minister by regulation.

Delivery of premises in case of forfeiture

55. In the event of a permit being duly cancelled or a lease being duly forfeited, the permittee or lessee shall deliver up the land and improvements thereon, in good order and condition.

Right to mine for other minerals

56.(1) No grant, right, licence, permit, tenement, lease, or other authority shall be granted or allowed to search or mine for mineral oil which may be extracted or produced from shale, coal or other rock by some chemical or thermal process, on any part of the lands the subject of a permit or lease under this Act.

(2) Mining for gold and other minerals therein or thereon may be allowed on such terms and conditions as the Minister may consider reasonable.

Drills for water on lands under permit or lease

57. During the currency of any permit or lease no person shall drill for water in or on any land the subject of a permit or lease, except upon and subject to such conditions as are imposed by the Minister or by regulations under this Act.

Limits on use of water from natural source

57A.(1) A holder of an authority to prospect, permittee, lessee or licensee who proposes to take water from any natural source under this Act shall—

- (a) take all steps to ensure that no water is lost during such taking; and
- (b) take only such quantity of water as is properly required for his or her purpose in question;

to the intent that there shall be left in such source sufficient water to satisfy the reasonable requirements of other persons who may lawfully take water from such source.

(2) If any dispute arises in respect of the taking of water from such a source any party to the dispute may refer the issue to the warden having jurisdiction in relation to the area in which the source in question is situated.

(3) The jurisdiction of such warden in respect of such a dispute includes jurisdiction to determine—

- (a) the quantity of water to be respectively taken from the source in question by the parties to the dispute or any of them;
- (b) the time and the manner of taking such water by any party to the dispute.

(4) When the warden has made a determination in respect of either of the matters referred to in subsection (3)(a) or (b) the parties to the dispute who are affected thereby shall comply in all respects with such determination.

Who bound by terms of permits and leases etc.

58. Each of the obligations and benefits under any authority to prospect, permit, lease and licence shall be binding upon and extend to the heirs, executors, administrators, successors and permitted assigns of the holder of

the authority to prospect, permittee, lessee, or licensee.

Compensation

59.(1) Compensation payable under this Act, whether by the corporation sole or a permittee or lessee or holder of an authority to prospect or licensee or any other person by whom compensation is payable under this Act, shall not be payable where the operations of any such person do not comprise any portion of the surface of the land.

(2) If any doubt exists as to who are the persons entitled to compensation, or if they or any of them can not be found, the Minister shall be deemed to represent them, and any payment in respect of compensation may be made to the Minister in trust for all persons entitled.

Power to agree as to compensation

60.(1) The permittee or lessee or holder of an authority to prospect or licensee or other person by whom compensation is payable under this Act may agree with the persons severally entitled to compensation as to the amount of such compensation.

(1A) No such agreement shall be valid unless the same is in writing and signed by the parties thereto or their agents, and filed in the warden's office.

Where no agreement, warden to determine compensation

(2) If within such time as may be prescribed the parties are unable to agree upon the amount of compensation to be paid, then either party may, upon a plaint in that behalf, have the amount determined in the Wardens Court.

(3) Either party shall have the right to require that such plaint shall be heard before the warden sitting with 3 assessors, and in that case the provisions of the Mining Act relating to assessors shall be applicable.

Measure of compensation

61.(1) Save as is by this Act otherwise provided, the compensation to be made under this Act shall be compensation for—

- (a) deprivation of the possession of the surface or of any part of the

surface; and

- (b) damage to the surface or any part thereof, and to any improvements thereon, which may arise from the carrying on of operations by the Minister or the permittee or lessee thereon or thereunder; and
- (c) severance of the land from other land of the owner or occupier; and
- (d) surface rights of way; and
- (e) all consequential damages.

(1A) However, in determining the amount of compensation no allowance shall be made for any petroleum known or supposed to be in or under the land.

(2) In determining the amount of compensation, the Wardens 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 or in respect of the damage or loss for which compensation is being determined, and shall deduct the amount already so received from the amount which they or either of them would otherwise be entitled to for such damage.

Union of leases

61A.(1) Notwithstanding anything contained in this Act, the Minister may approve of the union of 2 leases, whether the areas embraced in such leases are contiguous or are not contiguous, subject to the following conditions, namely—

- (a) an application for such union shall be made to the Minister by means of a resolution passed by a majority in number and value (calculated in each case as prescribed) of the persons registered for the time being as holders of the leases concerned;
- (b) subject to this section or as may be prescribed, all the provisions of this Act governing leases and matters and things concerning same shall apply and extend to any such union of leases, as the case may be.

(2) Regulations may be made to give full effect to the objects and

provisions of this section.

Agreements to drill wells

61B.(1) Subject to this section the Minister may, at the Minister's discretion, sanction any agreement—

- (a) between holders respectively of authorities to prospect, permits, or leases in respect of lands situated in the same district; or
- (b) between the holder of any authority to prospect, permit, or lease and a person, company or corporation;

having for its object the making of provision for the drilling of any well by a party to the agreement on the land specified in that agreement.

(1A) Such an agreement shall not have force or effect in law unless it is sanctioned by the Minister.

(1B) However, nothing in subsections (1) to (1A) shall apply with respect to any agreement entered into between the holder of an authority to prospect, permittee or lessee and a drilling contractor who holds no interest whatsoever in the authority to prospect, permit, or lease.

(2) The Minister shall not sanction, between a holder and any person, company, or corporation, any agreement whereby that person, company, or corporation acquires or holds any interest whatsoever in any authority to prospect, permit, or lease which he, she or it is prohibited from holding by section 12.

(3) For the purpose of the performance, wholly or in part, of the obligations imposed by sections 22A and 34 upon a holder who is a party to an agreement between holders sanctioned by the Minister under this section, any well which, pursuant to the agreement, is drilled on the land comprised in an authority to prospect, permit, or lease held by any other holder who is a party to the agreement shall be taken into account as if it had been drilled on the land comprised in the authority to prospect, permit, or lease in question of the holder first hereinbefore mentioned in this subsection.

(4) Regulations, including regulations prescribing the form of agreement, may be made for the purpose of carrying out the objects of this section.

Unit development of petroleum deposits

61C.(1) In this section—

“**authorised person**” means the holder of any authority to prospect, permit or lease;

“**unit development**”, used in relation to a petroleum deposit, means the coordination of operations for the recovery of petroleum from that deposit carried on or to be carried on at any place within the area of the State to which this Act applies where there is part of that deposit with other operations for the recovery of petroleum from that deposit carried on or to be carried on at any other place (whether within or outside the area of the State to which this Act applies) where there is part of that deposit.

(2) An authorised person may from time to time enter into an agreement in writing for or in relation to the unit development of a petroleum deposit.

(2A) Such an agreement shall be of no force or effect in law until it is approved by the Minister.

(2B) A person who applies for the approval of the Minister to such an agreement shall furnish to the Minister the agreement or a copy thereof.

(3) The Minister may, of the Minister’s own motion or on application made to the Minister in writing by—

- (a) an authorised person whose authority to prospect, permit or, as the case may be, lease comprises land in which there is a particular petroleum deposit; or
- (b) a person who is lawfully entitled to carry on operations for the recovery of petroleum at any place outside the area of the State to which this Act applies where there is part of a petroleum deposit which extends into such area;

may, for the purpose of securing the more effective recovery of petroleum from that petroleum deposit, in writing, direct any authorised person who is authorised to recover petroleum from that petroleum deposit to enter into an agreement in writing within the period specified in the direction for or in relation to the unit development of that petroleum deposit.

(3A) The provisions of subsections (2) to (2B) shall apply to an agreement entered into pursuant to the direction.

(4) Where—

- (a) an authorised person who is directed under subsection (3) to enter into an agreement for or in relation to the unit development of a petroleum deposit does not enter into such an agreement within the specified period; or
- (b) an authorised person so directed enters into such an agreement which is not lodged with the Minister as prescribed or which, being so lodged, is not approved by the Minister;

the Minister may, in writing, direct the authorised person to submit to the Minister, within the period specified in the direction, a scheme for or in relation to the unit development of the petroleum deposit.

(5) At any time after the expiration of the period within which a scheme for or in relation to the unit development of the petroleum deposit is to be submitted by an authorised person under subsection (4) the Minister may, in writing, give to that authorised person such directions as the Minister considers necessary for the purpose of securing the more effective recovery of petroleum from the petroleum deposit.

(6) Where one person is an authorised person in respect of 2 or more areas of land in each of which areas there is part of the same petroleum deposit the Minister may, after consultation with the authorised person, give to the authorised person such directions in writing as the Minister considers necessary for the purpose of securing the more effective recovery of petroleum from the petroleum deposit.

(7) Where—

- (a) an agreement for or in relation to the unit development of a petroleum deposit is in force; or
- (b) the Minister has given directions under subsection (5) or (6) in respect of a petroleum deposit;

the Minister may, having regard to additional information that has become available and after consultation with the authorised person or persons (party to such agreement or, as the case may be, subject to such directions) give to such authorised person or persons such directions in writing as the Minister considers necessary for the purpose of securing the more effective recovery of petroleum from the petroleum deposit.

(8) Directions given under subsections (5) to (7) may include directions

as to the rate at which and the places where petroleum is to be recovered from the petroleum deposit in question.

(9) An authorised person to whom directions are given under subsections (5) to (7) shall comply with such directions.

PART 7—MISCELLANEOUS

All statements to be verified

62. All applications, statements, representations, information, and reports made under or required by the Minister under this Act shall be verified upon oath or statutory declaration unless otherwise specified by the Minister, and such verification shall be in such form as the Minister may require or as may be prescribed.

Points etc. to be ascertained by reference to Australian Geodetic Datum

62A.(1) Where, for the purposes of this Act or of anything done or to be done under or for the purposes of this Act, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6 378 610 m and a flattening of $\frac{100}{29825}$ and by reference to the position of the Johnston Geodetic Station in the Northern Territory.

(2) Such Station shall be taken to be situated at 133°12'30.0771" east longitude and at 25°56'54.5515" south latitude and to have a ground level of 571.2 m above the spheroid referred to in subsection (1).

Interference with pipeline etc.

62B. A person who destroys, damages, interferes with or operates any pipeline or refinery or part thereof or anything on the site where the search for or recovery of petroleum is carried on commits an offence against this Act, unless the person does so under the authority of the owner of the

pipeline, refinery or, as the case may be, thing.

Interference with access

62C. A person who—

- (a) erects or places any building or structure in, on or over land that is occupied for any purpose of this Act or that is subject to an easement for pipeline purposes or for right of way held by the corporation sole or any other person; or
- (b) turns over or digs in land such as is specified in paragraph (a), except for the purpose of cultivating the land in accordance with recognised good land husbandry;

commits an offence against this Act, unless the person does so with permission in writing of the occupier of the land or, as the case may be, the holder of the easement first had and obtained and in accordance with the conditions (if any) of the permission.

Control of prospectus

63.(1) In this section—

“**prospectus**” means and includes any prospectus, notice, circular, advertisement, or other document or writing prepared with a view to induce or that may have the effect of inducing any person to advance money to or towards or to invest money in any project business or enterprise for the grant or acquirement of a permit or lease or authority to prospect or licence or the commencement or carrying on of prospecting or mining operations in or under any land the subject of a permit or lease or authority to prospect or proposed so to be, or for preparing for the transport of, or transporting petroleum or petroleum products under and pursuant to a licence.

(2) Every prospectus directly or indirectly issued or published by or on behalf of a company or by or on behalf of any person who is or has been engaged or interested in the formation of a company, shall be dated and signed by every director of the company or every person who is named therein as a proposed director, or by the person’s agent authorised in writing, and also by every promoter and vendor.

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(3) It shall not be lawful for any person to issue or publish any prospectus unless or until the following conditions have been complied with—

- (a) before being issued or published it shall be submitted to the Minister for approval, and upon being so approved a copy shall be filed with the Minister;
- (b) on being so submitted to the Minister it shall, if so required by the Minister, be accompanied by the report of a geologist approved by the Minister;
- (c) it shall state the names, descriptions, and addresses of the directors or proposed directors, and the minimum subscription upon which the directors may proceed to allotment, and the amount payable on application and allotment of each share;
- (d) it shall state the number and amount of shares and debentures issued or agreed to be issued as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up (including any shares or debentures to be issued as a consideration to the permittee, lessee, holder of the authority to prospect, promoter, or vendor) and in every case the consideration for which these shares or debentures have been issued or are proposed or intended to be issued, and the Minister may direct that such fully paid-up or partly paid-up shares shall not be offered for sale or transferable until the first bore on the area covered by the permit or comprised in the lease or held under the authority to prospect is sunk and completed;
- (e) it shall state the names and addresses of the vendors of any property purchased or acquired by the company or proposed to be so purchased or acquired, setting out in full the consideration for such purchase or proposed purchase, and distinguishing between cash shares and debentures;
- (ea) money or consideration to be paid to the promoter shall be clearly and truly set out in such prospectus;
- (f) it shall, if so directed by the Minister, contain such statement relating to the area which the Minister deems to be necessary;
- (g) without the express consent of the Minister, it shall not contain any statement made in or any extract from any official document

prepared by the authority of or furnished to the Governor in Council or Minister or warden or other State officer;

- (h) it shall not contain any statement to the effect that such prospectus or the proposals of the permittee or lessee or holder of the authority to prospect or directors or promoters or any person proposing to apply for a permit or lease or an authority to prospect have received the approval or sanction of the Minister;
- (i) such other conditions as the Minister may think proper.

(4) In the event of non-compliance with any of the requirements of this section, every person who is knowingly a party to the issue or publication of the prospectus shall be liable to a penalty not exceeding \$10 per day for every day from the date of the prospectus or the day on which the prospectus should have been dated until an approved copy thereof is filed with the Minister.

(5) The Minister may institute appropriate proceedings for the recovery of the penalty by complaint in accordance with the provisions of the *Justices Act 1886*, but this provision shall not be construed to prevent the exercise by the Minister or any person aggrieved of any other remedy which the Minister or person may have by way of forfeiture, injunction, mandamus, damages, or otherwise.

(6) The foregoing provisions of this section shall be in addition to and not in substitution for the provisions of the *Companies Act 1961*.

Penalties

63A.(1) Any person guilty of an offence against this Act shall, if no specific penalty is provided for that offence, be liable to a penalty not exceeding 200 penalty units and, if the offence is a continuing one, a further penalty not exceeding 40 penalty units per day for each and every day during which the offence continues.

(2) All offences against this Act may be prosecuted in a summary way under the *Justices Act 1886*, upon the complaint of any person thereunto authorised in writing by the Minister.

Other rights of action not affected

64. Nothing in this Act shall be construed to take away or prejudicially affect any right of action which any person may have for any loss or damage sustained by the person by reason of any mining operations carried on pursuant to the Mining Act upon private land, other than for loss or damage for which compensation is payable under this Act.

Regulations

65.(1) The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may be made with respect to any of the following matters—

- (a)** the storage and use of explosives in relation to the exploration for, and production of, petroleum;
- (b)** the payment of fees under this Act and the way and purpose of their payment.

(3) A regulation may be made—

- (a)** creating offences against the regulation; and
- (b)** fixing a maximum penalty of 10 penalty units for an offence against the regulation.

Existing statutory rules

67.(1) A statutory rule in force under section 4G, 9, 40F, 45F or 54A immediately before the commencement of this section continues to have effect after the commencement, and may be amended or repealed, as if it were a regulation.

(2) An order in council in force under section 45A or 45B immediately before the commencement of this section continues to have effect after the commencement, and may be amended or repealed, as if it were a Gazette notice.

(3) A regulation in force under this Act immediately before the commencement of this section continues to have effect after the commencement.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 23 June 1994. Future amendments of the Petroleum Act 1923 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

Petroleum Act 1923 14 Geo 5 No. 26
 date of assent 12 November 1923
 commenced on date of assent
 as amended by—

Petroleum Act Amendment Act 1927 18 Geo 5 No. 13
 date of assent 17 December 1927
 commenced on date of assent

Petroleum Acts Amendment Act 1929 20 Geo 5 No. 17
 date of assent 5 December 1929
 commenced on date of assent

Petroleum Acts Amendment Act 1939 3 Geo 6 No. 19
 date of assent 24 November 1939
 commenced on date of assent

Petroleum Acts Amendment Act 1950 14 Geo 6 No. 20

date of assent 30 November 1950
commenced on date of assent

Petroleum Acts Amendment Act 1955 4 Eliz 2 No. 25

date of assent 10 October 1955
commenced on date of assent

Petroleum Acts Amendment Act 1958 7 Eliz 2 No. 25

date of assent 7 October 1958
commenced on date of assent

Petroleum Acts Amendment Act 1962 No. 30

date of assent 18 December 1962
commenced on date of assent

Aliens Act 1965 No. 19 s 4 Sch 2

date of assent 27 April 1965
commenced on date of assent

Petroleum Acts Amendment Act 1967 No. 37

date of assent 6 December 1967
commenced on date of assent

Metric Conversion Act 1972 No. 31 s 6 Sch 1

date of assent 21 December 1972
commenced 27 November 1976 (proc pubd Gaz 27 November 1976 p 1394)

Petroleum Act Amendment Act 1976 No. 89

date of assent 17 December 1976
commenced 1 January 1977 (see s 2)

Petroleum Act Amendment Act 1981 No. 14

date of assent 14 April 1981
commenced on date of assent

Mining Act and Other Acts Amendment Act 1982 No. 23 Pt 4

date of assent 29 April 1982
commenced 1 August 1982 (proc pubd Gaz 24 July 1982 p 2422)

Mines Department (Administration) Act 1982 No. 31 s 3 Sch

date of assent 5 May 1982
commenced on date of assent

Mining Act and Petroleum Act Amendment Act 1983 No. 13 Pt 3

date of assent 13 April 1983
commenced on date of assent

Petroleum Act Amendment Act 1985 No. 101

date of assent 13 December 1985
commenced on date of assent

Real Property Acts and Other Acts Amendment Act 1986 No. 26 s 4 Sch

date of assent 8 April 1986
commenced on date of assent

Petroleum Act Amendment Act 1988 No. 51

date of assent 12 May 1988
 commenced on date of assent

Petroleum Act Amendment Act 1990 No. 108

date of assent 18 December 1990
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 September 1990 (see s 2)

Petroleum Amendment Act 1991 No. 65

date of assent 17 October 1991
 s 4 commenced 12 May 1988 (see s 2)
 remaining provisions commenced on date of assent

Petroleum Amendment Act 1993 No. 35 Pt 2

date of assent 23 July 1993
 commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
R1	=	Reprint No. 1
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by
 amendments not included in reprint, are underlined

Parts of Act

s 2 amd 1927 18 Geo 5 No. 13 s 2(i); 1988 No. 51 s 3
 om R1 (see RA s 36)

Interpretation

s 3 amd 1927 18 Geo 5 No. 13 s 2(ii)
 def “**authority to prospect**” ins 1955 4 Eliz 2 No. 25 s 2
 def “**barrel**” ins 1927 18 Geo 5 No. 13 s 2(ii)

sub 1967 No. 37 s 2(a)
 def “**casinghead petroleum spirit**” ins 1962 No. 30 s 2(1)(a)
 def “**company**” ins 1965 No. 19 s 4 Sch 2
 sub 1983 No. 13 s 12
 def “**corporation sole**” ins 1988 No. 51 s 4
 def “**Crown land**” sub 1962 No. 30 s 2(1)(b)
 def “**crude oil**” ins 1962 No. 30 s 2(1)(b)
 def “**declared pipeline**” ins 1985 No. 101 s 2(a)
 sub 1993 No. 35 s 3
 def “**land**” ins 1962 No. 30 s 2(1)(c)
 def “**licence**” ins 1962 No. 30 s 2(1)(d)
 amd 1985 No. 101 s 2(b)
 def “**licensee**” ins 1962 No. 30 s 2(1)(d)
 def “**Minister**” ins 1962 No. 30 s 2(1)(e)
 sub 1967 No. 37 s 2(b)
 om 1993 No. 35 s 3(1)
 def “**natural gas**” ins 1962 No. 30 s 2(1)(e)
 def “**petroleum**” amd 1929 20 Geo 5 No. 17 s 2
 sub 1967 No. 37 s 2(c)
 amd 1982 No. 23 s 73
 def “**Petroleum Advisory Board**” ins 1927 18 Geo 5 No. 13 s 2(ii)
 def “**pipeline**” ins 1962 No. 30 s 2(1)(f)
 def “**Prescribed**” om 1993 No. 35 s 3(1)
 def “**private land**” sub 1962 No. 30 s 2(1)(g)
 def “**Public Works Land Resumption Act**” om R1 (see RA s 39) (see
 1988 No. 51 s 9)
 def “**State mining engineer**” ins 1981 No. 14 s 2
 sub 1993 No. 35 s 3
 def “**This Act**” om 1993 No. 35 s 3(1)

Application of Act

s 4 amd 1962 No. 30 s 3; 1982 No. 23 s 74

PART 1A—PETROLEUM ADVISORY BOARD AND PIPELINES TRIBUNAL

Pt hdg ins 1927 18 Geo 5 No. 13 s 2(iii)
 amd 1988 No. 51 s 5(a)

Appointment of Petroleum Advisory Board

s 4A ins 1927 18 Geo 5 No. 13 s 2(iii)

Appointment of pipelines tribunal

s 4B ins 1988 No. 51 s 5(b)
 amd 1993 No. 35 s 4

Disclosure of member’s interest

s 4C ins 1988 No. 51 s 5(b)

Inquiry by pipelines tribunal

s 4D ins 1988 No. 51 s 5(b)

Inquiry into transportation charges

s 4E ins 1988 No. 51 s 5(b)
 amd 1991 No. 65 s 4

Pipelines tribunal deemed a commission of inquiry

s 4F ins 1988 No. 51 s 5(b)

Powers following inquirys 4G ins 1988 No. 51 s 5(b)
sub 1993 No. 35 s 5**Adjustment of pipeline charges**

s 4H ins 1993 No. 35 s 5

Petroleum the property of the Crown

s 5 amd 1967 No. 37 s 3; 1991 No. 65 s 5

Reservations in Crown grants

s 6 amd 1967 No. 37 s 4

Incorporation of Ministers 7 amd 1967 No. 37 s 5
sub 1988 No. 51 s 6**General authority of corporation sole**s 7A ins 1988 No. 51 s 7
amd 1993 No. 35 s 6**Corporation sole to have powers etc. of holder of authority etc.**

s 7B ins 1988 No. 51 s 7

Entry by corporation sole

s 7C ins 1988 No. 51 s 7

Extent of liability of corporation sole

s 7D ins 1988 No. 51 s 8

Land resumptionss 8 amd 1967 No. 37 s 6
sub 1988 No. 51 s 9
amd 1991 No. 65 s 6**Permits and leases**

s 9 amd 1939 3 Geo 6 No. 19 s 2; 1972 No. 31 s 6 Sch 1; 1993 No. 35 s 7

Authority to prospects 9A ins 1939 3 Geo 6 No. 19 s 3
amd 1962 No. 30 s 4; 1991 No. 65 s 7**Variation of authority to prospect**s 9B prev s 9B renum as s 9F 1990 No. 108 s 3
pres s 9B ins 1990 No. 108 s 4**Renewal of authority to prospect**

s 9C ins 1990 No. 108 s 4

Surrender of authority to prospect

s 9D ins 1990 No. 108 s 5

Cancellation of authority to prospect

s 9E ins 1990 No. 108 s 5

Application by holder of authority to prospect for authority to extend to others

s 9F pres s 9F (prev s 9B) ins 1983 No. 13 s 13
renum 1990 No. 108 s 3

Qualification of permittees and lessees

s 10 amd 1929 20 Geo 5 No. 17 s 3
sub 1965 No. 19 s 4 Sch 2

Qualification of companies registered in Queensland

s 10A ins 1929 20 Geo 5 No. 17 s 4
sub 1962 No. 30 s 5
om 1965 No. 19 s 4 Sch 2

Exchange of existing licenses for permits

s 11 om 1939 3 Geo 6 No. 19 s 4

Limit to number of permits and leases

s 12 amd 1929 20 Geo 5 No. 17 s 5; 1939 3 Geo 6 No. 19 s 5
sub 1958 7 Eliz 2 No. 25 s 2

Preferent to right to permit

s 13 om 1939 3 Geo 6 No. 19 s 6

Particulars of application for permit

s 14 amd 1927 18 Geo 5 No. 13 s 2(iv); 1929 20 Geo 5 No. 17 s 6; 1939
3 Geo 6 No. 19 s 7; 1958 7 Eliz 2 No. 25 s 3; 1965 No. 19 s 4 Sch 2;
1972 No. 31 s 6 Sch 1; 1976 No. 89 s 3

Warden to report

s 15 sub 1939 3 Geo 6 No. 19 s 8

Action by Minister

s 16 amd 1927 18 Geo 5 No. 13 s 2(v); 1929 20 Geo 5 No. 17 s 7

Form of permit

s 17 amd 1929 20 Geo 5 No. 17 s 8

Extension of permit

s 18 amd 1929 20 Geo 5 No. 17 s 9; 1958 7 Eliz 2 No. 25 s 4; 1982 No. 31 s 3
Sch

Marking land

s 19 amd 1929 20 Geo 5 No. 17 s 10

Rent

s 20 sub 1929 20 Geo 5 No. 17 s 11
amd 1939 3 Geo 6 No. 19 s 9; 1972 No. 31 s 6 Sch 1; 1976 No. 39 s 4

Existing permits continued in force

s 20A ins 1939 3 Geo 6 No. 19 s 10

Royalty before lease granted

s 21 amd 1927 18 Geo 5 No. 13 s 2(vi)
sub 1939 3 Geo 6 No. 19 s 11
om 1958 7 Eliz 2 No. 25 s 5

Duty of permittee

- s 22** prev s 22 renum as s 22A 1929 20 Geo 5 No. 17 s 12
 pres s 22 ins 1929 20 Geo 5 No. 17 s 12
 amd 1958 7 Eliz 2 No. 25 s 6

Commencement of drilling

- s 22A** pres s 22A (prev s 22) amd 1927 18 Geo 5 No. 13 s 2(vii)
 renum 1929 20 Geo 5 No. 17 s 12
 amd 1929 20 Geo 5 No. 17 s 13; 1972 No. 31 s 6 Sch 1

Duty of permittee

- s 22A** ins 1927 18 Geo 5 No. 13 s 2(viii)
 om 1929 20 Geo 5 No. 17 s 14

Rights to water etc.

- s 23** amd 1955 4 Eliz 2 No. 25 s 4

Lease to holder of authority to prospect or permittee

- s 28** amd 1927 18 Geo 5 No. 13 s 2(ix); 1939 3 Geo 6 No. 19 s 12
 sub 1962 No. 30 s 6
 amd 1972 No. 31 s 6 Sch 1; 1991 No. 65 s 8

Preferent right to further lease

- s 29** amd 1929 20 Geo 5 No. 17 s 15

Lease to person other than a holder of an authority to prospect or permittee

- s 29A** ins 1939 3 Geo 6 No. 19 s 13
 sub 1962 No. 30 s 7
 amd 1972 No. 31 s 6 Sch 1

Security in respect of leases

- s 30** amd 1927 18 Geo 5 No. 13 s 2(x); 1929 20 Geo 5 No. 17 s 16
 sub 1939 3 Geo 6 No. 19 s 14; 1962 No. 30 s 8

Form etc. of lease

- s 31** amd 1962 No. 30 s 9; 1991 No. 65 s 9

Entitlement to renewal of lease

- s 31A** ins 1991 No. 65 s 10

Rent

- s 32** sub 1927 18 Geo 5 No. 13 s 2(xi)
 amd 1929 20 Geo 5 No. 17 s 17; 1939 3 Geo 6 No. 19 s 15
 sub 1958 7 Eliz 2 No. 25 s 7
 amd 1972 No. 31 s 6 Sch 1; 1976 No. 89 s 5; 1982 No. 23 s 75

Reservations, conditions and covenants of lease

- s 33** prev om 1958 7 Eliz No. 25 s 8
 pres ins 1962 No. 30 s 10
 amd 1991 No. 65 s 11

Commencement of drilling

- s 34** amd 1927 18 Geo 5 No. 13 s 2(xii); 1939 3 Geo 6 No. 19 s 16; 1962
 No. 30 s 11; 1972 No. 31 s 6 Sch 1; 1991 No. 65 s 12

Plans and reports

s 35 amd 1962 No. 30 s 12

Compliance with and modification of program for development and production

s 36 prev om 1962 No. 30 s 13
 pres ins 1991 No. 65 s 13

Use and occupation of mining area on private or improved land

s 37 amd 1962 No. 30 s 14

Royalty

s 40A ins 1958 7 Eliz 2 No. 25 s 9
 sub 1967 No. 37 s 7

Royalty not payable in certain cases

s 40B ins 1967 No. 37 s 8

Ascertainment of value

s 40C ins 1967 No. 37 s 8

Ascertainment of quantity of petroleum produced

s 40D ins 1967 No. 37 s 8

Assessment and payment of royalty

s 40E ins 1967 No. 37 s 8
 amd 1982 No. 31 s 3 Sch

Reduction of royalty rate

s 40F ins 1967 No. 37 s 8
 amd 1993 No. 35 s 8

Assignment etc. of lease

s 41 sub 1962 No. 30 s 15

Subleases under unitisation arrangements

s 41A ins 1991 No. 65 s 14

Forfeiture of excess holding

s 42 amd 1991 No. 65 s 15

Trespass

s 43 amd 1955 4 Eliz 2 No. 25 s 4

Reservations in favour of Crown

s 44 amd 1955 4 Eliz 2 No. 25 s 5; 1967 No. 37 s 9

Refineries and pipelines

s 45 amd 1955 4 Eliz 2 No. 25 s 6
 sub 1962 No. 30 s 16
 amd 1988 No. 51 s 10; 1991 No. 65 s 16; 1993 No. 35 s 9

Construction etc. of pipeline

s 45A ins 1962 No. 30 s 17
 amd 1988 No. 51 s 11; 1993 No. 35 s 10

Acquisition of land for pipeline purposes

- s 45B ins 1962 No. 30 s 17
amd 1988 No. 51 s 12; 1993 No. 35 s 11

Rights of a licensee

- s 45C ins 1962 No. 30 s 17

Crossing of railways, roads etc.

- s 45D ins 1962 No. 30 s 17
amd 1967 No. 37 s 10

Registration and effect of easements etc.

- s 45E ins 1962 No. 30 s 17
amd 1986 No. 26 s 4 Sch

Petroleum product pipelines

- s 45F ins 1985 No. 101 s 3
amd 1993 No. 35 s 12

Bond

- s 46 amd 1927 18 Geo 5 No. 13 s 2(xiii); 1939 3 Geo 6 No. 19 s 17

Logs of wells

- s 47 amd 1955 4 Eliz 2 No. 25 s 7

Restrictions on location of drills

- s 48 sub 1927 18 Geo 5 No. 13 s 2(xiv)
amd 1955 4 Eliz 2 No. 25 s 8; 1972 No. 31 s 6 Sch 1

Prevention of waste etc.

- s 49 amd 1955 4 Eliz 2 No. 25 s 9

Casting well

- s 50 sub 1927 18 Geo 5 No. 13 s 2(xv); 1950 14 Geo 6 No. 20 s 2
amd 1955 4 Eliz 2 No. 25 s 10; 1962 No. 30 s 18

Water rights

- s 50A ins 1962 No. 30 s 19

Abandonment of well

- s 51 sub 1950 14 Geo 6 No. 20 s 3
amd 1955 4 Eliz 2 No. 25 s 11; 1958 7 Eliz 2 No. 25 s 10
sub 1962 No. 30 s 20

Conduct of operations on land

- s 52 amd 1955 4 Eliz 2 No. 25 s 12
sub 1962 No. 30 s 21

Compliance with Act etc.

- s 53 amd 1927 18 Geo 5 No. 13 s 2(xvi); 1955 4 Eliz 2 No. 25 s 13

Regulations may prescribe further provisions

- s 54 amd 1927 18 Geo 5 No. 13 s 2(xvii); 1955 4 Eliz 2 No. 25 s 14

Minister's powers concerning petroleum

- s 54A ins 1929 20 Geo 5 No. 17 s 18
 amd 1962 No. 30 s 22
 sub 1988 No. 51 s 13
 amd 1993 No. 35 s 13

Delivery of premises in case of forfeiture

- s 55 amd 1927 18 Geo 5 No. 13 s 2(xviii)

When abandoned well may be declared to be an artesian well

- s 55A ins 1950 14 Geo 6 No. 20 s 4
 amd 1955 4 Eliz 2 No. 25 s 15
 om 1962 No. 30 s 23

Right to mine for other minerals

- s 56 amd 1927 18 Geo 5 No. 13 s 2(xix); 1982 No. 23 s 76; 1991 No. 65 s 17

Limits on use of water from natural source

- s 57A ins 1967 No. 37 s 11

Who bound by terms of permits and leases etc.

- s 58 sub 1962 No. 30 s 24

Compensation

- s 59 amd 1955 4 Eliz 2 No. 25 s 16; 1962 No. 30 s 25; 1988 No. 51 s 14

Power to agree as to compensation

- s 60 amd 1955 4 Eliz 2 No. 25 s 17; 1962 No. 30 s 26

Union of leases

- s 61A ins 1927 18 Geo 5 No. 13 s 3

Agreements to drill wells

- s 61B ins 1927 18 Geo 5 No. 13 s 3
 amd 1929 20 Geo 5 No. 17 s 19; 1939 3 Geo 6 No. 19 s 18
 sub 1958 7 Eliz 2 No. 25 s 11
 amd 1962 No. 30 s 27; 1967 No. 37 s 12

Unit development of petroleum deposits

- s 61C ins 1927 18 Geo 5 No. 13 s 3
 amd 1929 20 Geo 5 No. 17 s 20
 prev om 1939 3 Geo 6 No. 19 s 19
 pres ins 1967 No. 37 s 13

Points etc. to be ascertained by reference to Australian Geodetic Datum

- s 62A ins 1967 No. 37 s 14

Interference with pipeline etc.

- s 62B ins 1988 No. 51 s 15

Interference with access

- s 62C ins 1988 No. 51 s 15

Control of prospectus

- s 63 amd 1955 4 Eliz 2 No. 25 s 18; 1962 No. 30 s 28

Penalties

s 63A ins 1962 No. 30 s 29
amd 1981 No. 14 s 3; 1993 No. 35 s 14

Regulations

s 65 amd 1929 20 Geo 5 No. 17 s 21; 1962 No. 30 s 30; 1981 No. 14 s 4
sub 1993 No. 35 s 15

Pipeline charges

s 66 sub 1993 No. 35 s 16
om R1 (see RA s 37)

Existing statutory rules

s 67 ins 1993 No. 35 s 16

5 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
Commissioner (for Railways)	Queensland Railways	Transport Infrastructure (Railways) Act 1991 s 91(a) (see also s 3(1))
Commissioner (of Irrigation and Water Supply)	chief executive (of the department in which the Primary Industries Corporation	Primary Industries Corporation Act 1992 ss 14 and 15

<p>Commissioner (of Main Roads)</p>	<p>chief executive (of the</p>	<p>see Transport Infrastructure (Roads) Act 1991 s 9.25 and Sch 3 cl 4(f)</p>
<p>Consolidated Revenue</p>	<p>Consolidated Fund</p>	<p>Financial Administration and Audit Act 1977 s 112</p>

6 Table of changed citations and remade laws

TABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Crown Remedies Act 1874	Crown Proceedings Act 1980	—
Official Inquiries Evidence Act 1974	Commissions of Inquiry Act 1950	Commissions of Inquiry Act 1950 s 2(2)(c)
Real Property Act 1861	Land Title Act 1994	Land Title Act 1994 s 191
Water Act 1926	Water Resources Act 1989	—

7 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
definitions to be read in context	Acts Interpretation Act 1954 s 32A
def “Public Works Land Resumption Act”	Petroleum Act Amendment Act 1988 s 9
references included in citation of law	Acts Interpretation Act 1954 s 14H
references to Queensland implied	Acts Interpretation Act 1954 s 35
references to Northern Territory	Acts Interpretation Act 1954 s 36, def “Northern Territory”

8 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS under the Reprints Act 1992 s 44

Provision	Description
'license' where it appears as a noun 9D(3)	'licence'
28(1)	om 'other moneys is' ins 'other moneys are'
30(2D)	om 'or permittee' ins 'or a permittee'
45(2A)	om 'in accord' ins 'in accordance'
	om 'The order in council' ins 'The Gazette notice'

9 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

Previous	Renumbered as
3, 1st sentence	3(1)
3, 2nd sentence	3(2)
4, 1st sentence	4(1)
4, 2nd sentence	4(2)
4A, 1st sentence	4A(1)
4A, 2nd sentence	4A(2)
4A, 3rd sentence	4A(3)
4A, 4th sentence	4A(4)
4D(3), 2nd sentence	4D(4)
4F, 1st sentence	4F(1)
4F, 2nd sentence	4F(2)
6(a)	6
7A(3), 2nd sentence	7A(3A)
7B(2), proviso	7B(3)
7C(1), 2nd sentence	7C(1A)
7C(1), 3rd sentence	7C(1B)
9(1)(i)	9(1)(a)
9(1)(ii)	9(1)(b)
9A(1), 2nd sentence	9A(1A)
9A(1), 3rd sentence	9A(1B)
9A(4), 2nd sentence	9A(4A)
9B, 1st sentence	9B(1)

9B, 2nd sentence	9B(2)
9C(2)(a)	9C(2)
9C(2)(b)	9C(3)
14(3), 2nd sentence	14(4)
14(3), 3rd sentence	14(4A)
14(5), 2nd sentence	14(5A)
14(6), 2nd sentence	14(7)
16, 1st sentence	16(1)
16, 2nd sentence	16(2)
16, 3rd sentence	16(3)
16, 4th sentence	16(4)
17, 1st sentence	17(1)
17, 2nd sentence	17(2)
18, 1st sentence	18(1)
18, 2nd sentence	18(2)
18, 3rd sentence	18(3)
18, 4th sentence	18(4)
18, 4th sentence, 1st proviso	18(5)
18, 4th sentence, 2nd proviso	18(6)
18, 5th sentence	18(7)
20, 1st sentence	20(1)
20, 2nd sentence	20(2)
22, 1st sentence	22(1)
22, 2nd sentence	22(2)
22, 3rd sentence	22(3)
22, 4th sentence	22(4)
22, 5th sentence	22(5)
22A, 1st sentence	22A(1)
22A, 1st sentence, 1st proviso	22A(2)
22A, 1st sentence, 2nd proviso	22A(3)
23, 1st sentence	23(1)
23, 2nd sentence	23(2)
24, 1st sentence	24(1)
24, 2nd sentence	24(2)
24, 3rd sentence	24(3)
24, 4th sentence	24(4)
24, 5th sentence	24(5)
26, 1st sentence	26(1)
26, 2nd sentence	26(2)
28(4), 2nd sentence	28(5)
29, 1st sentence	29(1)
29, 2nd sentence	29(2)
29A(5), 2nd sentence	29A(5A)
29A(5), 3rd sentence	29A(5B)
29A(6), 2nd sentence	29A(6A)
29A(6), 3rd sentence	29A(6B)

29A(6), 4th sentence	29A(6C)
29A(7), 2nd sentence	29A(8)
30(2)(a)	30(2)
30(2)(a), 2nd sentence	30(2A)
30(2)(b)	30(2B)
30(2)(c)	30(2C)
30(2)(d)	30(2D)
30(2)(e)	30(2E)
30(4)(a)	30(4)
30(4)(b)	30(4A)
32(1)(a)	32(1)
32(1)(b)	32(1A)
34(1)(b)	34(1)
34(1)(ba)	34(1A)
34(1)(bb)	34(1B)
34(1)(c)	34(1C)
34(1)(d)	34(1D)
35(i)	35(a)
35(ii)	35(b)
35(iii)	35(c)
37, 1st sentence	37(1)
37, 1st sentence, (i)	37(1)(a)
37, 1st sentence, (ii)	37(1)(b)
37, 1st sentence, (iii)	37(1)(c)
37, 1st sentence, proviso	37(2)
38, 1st sentence	38(1)
38, 2nd sentence	38(2)
38, 3rd sentence	38(3)
39, 1st sentence	39(1)
39, 2nd sentence	39(2)
39, 3rd sentence	39(3)
40, 1st sentence	40(1)
40, 2nd sentence	40(2)
40A(2), 2nd sentence	40A(3)
40B(2), 2nd sentence	40B(3)
40E(2), 2nd sentence	40E(2A)
40E(6), 2nd sentence	40E(7)
40F(1)	40F
41(1), 2nd sentence	41(1A)
41(1), 3rd sentence	41(1B)
41(1), 4th sentence	41(1C)
42(1), proviso	42(1A)
42(1), proviso, (i)	42(1A)(a)
42(1), proviso, (ii)	42(1A)(b)
42(1), proviso, (iii)	42(1A)(c)
43, 1st sentence	43(1)

43, 1st sentence, proviso	43(2)
43, 2nd sentence	43(3)
44, 1st sentence	44(1)
44(a)	44(2)
44(b)	44(3)
45(1)(a)	45(1)
45(1)(a), 2nd sentence	45(1A)
45(1)(a), 3rd sentence	45(1B)
45(1)(a), 4th sentence	45(1C)
45(1)(a), 5th sentence	45(1D)
45(1)(a), 6th sentence	45(1E)
45(1)(b)	45(1F)
45(1)(b), 2nd sentence	45(1G)
45(1)(c)	45(1H)
45(1)(c), 2nd sentence	45(1I)
45(1)(c), 3rd sentence	45(1J)
45(2), 2nd sentence	45(2A)
45(2), 3rd sentence	45(2B)
45(2), 4th sentence	45(2C)
45(2), 5th sentence	45(2D)
45(2), 6th sentence	45(2E)
45(3)(a)	45(3)
45(3)(a), 2nd sentence	45(3A)
45(3)(a), 3rd sentence	45(3B)
45(3)(a), 4th sentence	45(3C)
45(3)(a), 5th sentence	45(3D)
45(3)(aa)	45(3E)
45(3)(ab)	45(3F)
45(3)(ac)	45(3G)
45(3)(b)	45(3H)
45(3)(b), 2nd sentence	45(3I)
45(3)(b), 3rd sentence	45(3J)
45(3)(b), 3rd sentence, proviso	45(3K)
45(3)(c)	45(3L)
45(3)(c), 2nd sentence	45(3M)
45(3)(d)	45(3N)
45(3)(e)	45(3O)
45(3)(e), 2nd sentence	45(3P)
45(3)(f)	45(3Q)
45(3)(f), 2nd sentence	45(3R)
45(3)(f), 3rd sentence	45(3S)
45(4), 2nd sentence	45(5)
45(4), 3rd sentence	45(6)
45(4), 4th sentence	45(7)
45A(2), 2nd sentence	45A(2A)
45A(4), 2nd sentence	45A(4A)

45B(2), 2nd sentence	45B(2A)
45B(2), 3rd sentence	45B(2B)
45B(2), 4th sentence	45B(2C)
45(3), 2nd sentence	45(3A)
45(3), 3rd sentence	45(3B)
45D(1), 2nd sentence	45D(1A)
45D(1), 3rd sentence	45D(1B)
45D(1), 4th sentence	45D(1C)
45D(1), 5th sentence	45D(1D)
45D(1), 6th sentence	45D(1E)
45D(2), 2nd sentence	45D(2A)
45D(2), 3rd sentence	45D(2B)
45D(2), 4th sentence	45D(2C)
45D(3), proviso	45D(3A)
45D(4), 2nd sentence	45D(5)
45D(4), 3rd sentence	45D(6)
45D(4), 4th sentence	45D(7)
45D(4), 5th sentence	45D(8)
45D(4), 6th sentence	45D(9)
48, 1st sentence	48(1)
48, proviso	48(2)
49, 1st sentence	49(1)
49, 2nd sentence	49(2)
49, 3rd sentence	49(3)
50A(a), 2nd part	50A(aa)
50A(a), 3rd part	50A(ab)
51(2), 2nd sentence	51(2A)
51(3), 2nd sentence	51(3A)
51(4), 2nd sentence	51(4A)
51(4), 3rd sentence	51(4B)
51(4), 4th sentence	51(4C)
51(4), 5th sentence	51(4D)
52(1), 2nd sentence	52(1A)
52(2), 2nd sentence	52(3)
52(2), 3rd sentence	52(4)
53, 1st sentence	53(1)
53, 2nd sentence	53(2)
53, 3rd sentence	53(3)
53, 3rd sentence, proviso	53(4)
53, 4th sentence	53(5)
56, 1st sentence	56(1)
56, 2nd sentence	56(2)
57A(2), 2nd sentence	57A(3)
57A(2), 3rd sentence	57A(4)
60(1), 2nd sentence	60(1A)
60(2), 2nd sentence	60(3)

61(1)(i)	61(1)(a)
61(1)(ii)	61(1)(b)
61(1)(iii)	61(1)(c)
61(1)(iv)	61(1)(d)
61(1)(v)	61(1)(e)
61(1), proviso	61(1A)
61A, 1st sentence	61A(1)
61A, 1st sentence, (i)	61A(1)(a)
61A, 1st sentence, (ii)	61A(1)(b)
61A, 2nd sentence	61A(2)
61B(1), 2nd sentence	61B(1A)
61B(1), 2nd sentence, proviso	61B(1B)
61C(1)(a)	61C(1), def "unit development"
61C(1)(b)	61C(1), def "authorised person"
61C(2), 2nd sentence	61C(2A)
61C(2), 3rd sentence	61C(2B)
61C(3), 2nd sentence	61C(3A)
63(3)(e), 2nd part	63(3)(ea)