

PETROLEUM.

No. 85 of 1966.

AN ACT to amend the Petroleum Act, 1936-1954 and to declare valid certain permits to explore and licenses to prospect, and for other purposes.

[Assented to 12th December, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Petroleum Act Amendment Act, 1966.*

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1955.

(2) In this Act, the Petroleum Act, 1936-1954, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Petroleum Act, 1936-1966.

2. The principal Act is amended by adding after section five a section as follows—

S. 5A
added.

5A. (1) Notwithstanding the Land Act, 1933, or any other Act, the Governor, by proclamation, may declare that any land of the Crown or part thereof reserved for or dedicated to any public purpose under any Act and howsoever classified that—

Power to declare certain reserves Crown land for purposes of, and to apply, this Act thereto.

(a) is not Crown land within the meaning of that expression in section four of this Act; and

(b) is specified in the proclamation,

is Crown land for the purposes of this Act, and is land to which this Act applies, so long as the proclamation remains in force.

(2) Subject to this Act, a proclamation made under subsection (1) of this section—

(a) does not otherwise affect the purpose for which any land specified therein was reserved or dedicated; and

(b) may, at any time by proclamation, be revoked or varied. .

3. The principal Act is amended by adding a section as follows—

S. 5B
added.

5B. It is hereby declared that—

(a) the land of the Crown comprising Barrow Island reserved for a public purpose under the Land Act, 1933, as reserve No. 11648 and classified as of Class "A" shall be deemed to be, and to have always been, Crown land for the purposes of this Act;

Reserve No. A11648 Barrow Island Crown land for purpose of this Act.

(b) a permit to explore or license to prospect issued or granted under this Act or purporting to have been so

Certain permits to explore and licenses to prospect valid.

issued or granted before the commencement of this section in respect of the land comprised in the reserve referred to in paragraph (a) of this section, shall be deemed to have been always lawfully issued or granted under this Act and a petroleum lease may be issued under this Act in respect of that land in such form and containing such additional reservations, covenants and conditions in addition to those prescribed by or under this Act as the Governor approves;

Reserve land excluded from certain permits to explore and licenses to prospect.

- (c) subject to paragraphs (a) and (b) of this section, a permit to explore or license to prospect issued or granted under this Act before the commencement of this section in respect of an area of land that includes any land of the Crown reserved for or dedicated to any public purpose under the Land Act, 1933, or any other Act, and classified as of Class "A", and which is not Crown land within the meaning of that expression in section four of this Act—
- (i) shall be deemed to have been always lawfully issued or granted under this Act;
 - (ii) shall, subject to this Act, continue to apply to so much of the land in respect of which it is granted that is not so reserved or dedicated and so classified;
 - (iii) shall not apply to the land or any part thereof so reserved or dedicated and so classified, until that land or part is declared pursuant to section five A of this Act, to be Crown land for the purposes thereof. .

4. The principal Act is amended by adding after section seventy-eight B a section as follows—

S. 78C
added.

78C. (1) Where land is declared to be Crown land for the purposes of this Act pursuant to section five A thereof, no permit to explore, license to prospect or petroleum lease shall be issued or granted under this Act in respect to that land, or having been so issued or granted shall apply thereto as provided in subparagraph (iii) of paragraph (c) of section five B of this Act, unless the permit, license or lease complies with this section.

Power to include conditions in permit, license or lease to protect native fauna and flora.

(2) A permit, license or lease referred to in subsection (1) of this section shall contain in addition to any other conditions that may be imposed under this Act, such conditions, if any, as the Governor may impose in accordance with subsection (3) of this section, on the joint recommendation of the Minister and the respective Ministers charged with the administration of the Native Flora Protection Act, 1935 and the Fauna Protection Act, 1950.

(3) Conditions may be imposed under this section for the purpose of ensuring so far as is practicable, that any mining operations carried out on the land under the authority of the permit, license or lease are carried out in such a manner as to minimise the risk of damage to any native fauna or flora on the land. .