

## PETROLEUM.

15° Geo. VI., No. XII.

No. 12 of 1951.

**AN ACT to amend the Petroleum Act, 1936-1949.**

[Assented to 20th November, 1951.]

**BE** it enacted by the King'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.

1. This Act may be cited as the *Petroleum Act Amendment Act, 1951*, and shall be read as one with the Petroleum Act, 1936-1949 (Act No. 36 of 1936, as amended by Acts Nos. 8 of 1940 and 25 of 1949), in this Act referred to as the principal Act.

Citation of principal Act as amended by this Act.

2. The principal Act, as amended by this Act, may be cited as the Petroleum Act, 1936-1951.

S. 14 amended.

3. Section fourteen of the principal Act is amended by—

- (a) adding before the word "All" in line one, the figure one in brackets thus, (1);
- (b) adding after the word "discovered" in line one, the words "by any licensee of land held under a license to prospect, or";

(c) adding the following subsections:—

(2) If the Minister shall at any time desire any such helium to be developed and recovered the Crown shall reimburse the licensee or lessee a reasonable amount in respect of the cost of discovery (having regard to the estimated value of the helium) and the licensee or lessee shall have the option of undertaking such development and recovery by notice in writing to the Minister within one month of the notification to the licensee or lessee.

(3) The amount of such reimbursement and the manner and terms of such development and recovery shall be mutually determined by the Minister and the licensee or lessee and in default of agreement shall be determined by arbitration under the provisions of the Arbitration Act, 1895.

4. Section thirty-eight of the principal Act is amended by—

S. 38  
amended.  
Cf. No. 8  
of 1940, s. 19.

(a) substituting for paragraphs (b) and (c) of subsection (1) the following paragraphs:—

(b) furnish to the Minister within thirty days after the end of each quarter a written report in the prescribed form of operations conducted during each quarter ending the last day of March, June, September and December of each year and, within a reasonable time after the end of each quarter, geological maps of the portion of the area of land which has been surveyed as aforesaid; and

(c) carry out survey operations within the area of land specified in the permit to explore with due diligence and to the satisfaction of the Minister during the currency of such permit; and;

- (b) adding after the word "operations" in line four of subsection (2), the following sentence:—

An application for consent shall specify the extent to which coring is intended;

- (c) substituting for the words "the core from the bore, which must consist of sixty-six per centum of the depth drilled" in lines five and six of subsection (2), the words "all cores from the bore."

S. 39  
amended.

5. Section thirty-nine of the principal Act is amended by—

- (a) substituting for the words "at any time" in line one, the words "from time to time";
- (b) adding after the word "conduct" in line three, the words "such operations or";
- (c) adding after the word "Act" in line six, the words "as may reasonably be required of the holder, having regard to the circumstances and to recognised oilfield practice".

S. 41  
amended

6. Section forty-one of the principal Act is amended by adding after the word "regulations" in line four, the words "and such default shall continue for a period of ninety days after the Minister shall have given to such holder notice in writing to remedy the same then, unless such holder shall furnish the Minister with reasons acceptable to the Minister for his inability to do so."

S. 49  
amended.

7. Section forty-nine of the principal Act is amended by—

- (a) substituting for the words "may be prescribed" in lines seven and eight of paragraph (a) of subsection (1), the words "the Minister may reasonably require";
- (b) adding after the word "materials" in line thirteen of paragraph (b) of subsection (1), the word "and";

(c) adding to subsection (1) the following paragraph:—

(c) furnish to the Minister on the prescribed form within thirty days after the end of each month a written report giving particulars of the work done during such month;

(d) substituting for subsection (2) the following subsection:—

(2) The holder of a license to prospect shall not undertake any drilling operations or drill any test well without the consent in writing of the Minister, which consent shall not be unreasonably withheld. The equipment, materials and technique to be used in such drilling shall be in conformity with recognised oilfield practice.

8. Section fifty of the principal Act is repealed.

S. 50  
repealed.

9. Section fifty-four of the principal Act is amended by adding after the word "regulations" in line four, the words "and such default shall continue for a period of ninety days after the Minister shall have given to such holder notice in writing to remedy the same then, unless such holder shall furnish the Minister with reasons acceptable to the Minister for his inability to do so."

S. 54  
amended

10. Section fifty-five of the principal Act is amended by—

S. 55  
amended.  
Cf. No. 25  
of 1949, s. 3.

- (a) substituting for the word "petrol" in line six of subsection (1), the word "petroleum";
- (b) adding after the word "grant" in line two of subsection (2), the words ", transfer or assignment";
- (c) adding after the word "granted" in line three of subsection (2), the words ", transferred or assigned".

S. 63  
amended.  
Cf. No. 8  
of 1940, s. 32.

11. Section sixty-three of the principal Act is amended by—

(a) adding after the word “petroleum” in line four of paragraph (a) of subsection (1), the words “but not such as to interfere with, encroach upon or endanger the petroleum operations”;

(b) substituting for paragraph (d) of subsection (1), the following paragraph:—

(d) A covenant by the lessee to work the land in accordance with recognised oilfield practice and in compliance with the regulations, unless exemption or partial exemption is granted in such manner as may be prescribed;

Cf. No. 25  
of 1949, s. 5.

(c) substituting for paragraph (f) of subsection (1), the following paragraph:—

(f) A covenant by the lessee that, if so required by the Minister, the lessee shall, at his option, refine or cause to be refined, or offer for sale for refining—

(i) in the State within a time to be mutually agreed between the Minister and the lessee; or

(ii) elsewhere in Australia—  
such of the petroleum produced from the land held by him under the petroleum lease as is required for consumption in Australia: Provided that such requirement shall not extend to any production of petroleum of a nature which would not normally be refined;

(d) adding after the word “lessee” in line one of paragraph (h) of subsection (1), the words “, unless prevented from doing so by circumstances beyond the power and control of the lessee,”;

- (e) adding after the word "authority" in lines four and five of paragraph (i) of subsection (1), the words "which consent shall not be unreasonably withheld";
- (f) adding after the word "lessee" in line three of paragraph (j) of subsection (1), the words "and the failure of the lessee to remedy the same within ninety days after the Minister shall have given to the lessee notice in writing to make good the same".

12. Section sixty-nine of the principal Act is amended by adding before the word "times" in line two, the word "reasonable". s. 69  
amended.

13. Section seventy-three of the principal Act is amended by adding before the word "time" in line two, the word "reasonable". s. 73  
amended.

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