

PETROLEUM.

13° Geo. VI., No. CXI.

No. 25 of 1949.

AN ACT to amend the Petroleum Act, 1936-1940.

[Assented to 22nd October, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 1949*, and shall be read as one with the Petroleum Act, 1936 (No. 36 of 1936, as amended by No. 8 of 1940), hereinafter referred to as the principal Act.

Citation of the principal Act as amended by this Act.

2. The principal Act, as amended by this Act, may be cited as the Petroleum Act, 1936-1949.

Repeal and re-enactment of s. 55.

3. The principal Act is amended by repealing section fifty-five and substituting the following:—

Governor may grant petroleum lease.

55. (1) Subject to the provisions of this Act and the regulations, the Governor may grant to any person who has complied with the provisions of Divisions 1 and 2 of this Part of this Act a petroleum lease of land for the purpose of obtaining petrol from the land.

(2) Unless the Governor is satisfied that exceptional circumstances justify the grant of it, a petroleum lease shall not be granted to any—

(a) person not domiciled; or

(b) company not formed,

within the Commonwealth.

(3) A petroleum lease shall not be granted in respect of any area of land—

- (a) exceeding one hundred square miles; or
- (b) unless approved by the Minister, of less than four square miles.

(4) Where a person who holds a license to prospect discovers petroleum in the area of land for which the license is granted,

he shall be entitled as of right by force of the provisions of this subsection, to select within six months of the discovery or within such further time as the Minister may in his discretion allow, so much of that area as he requires to hold under petroleum lease, and

upon making application in the manner and paying the fees prescribed,

to a grant of such number of petroleum leases of that land as shall be necessary to comply with that entitlement.

4. Section fifty-nine of the principal Act is amended by repealing subsection (1) and substituting the following:—

Amendment
of s. 59.

(1) Subject to the provisions of this Act and the regulations—

- (a) a petroleum lease shall be for a term of twenty-one years;
- (b) on the expiration of that term the lessee of a petroleum lease shall be entitled to a renewal of the lease for any further period during which petroleum in payable quantities is produced from at least one well on the land if—

- (i) at any time during the last six months of the term referred to in paragraph (a) of this subsec-

tion, he makes application in the prescribed manner to the Minister for the renewal and pays the prescribed fees; and

- (ii) he has, during that term, observed the provisions of this Act and the regulations and the lease.

Amendment
of s. 63.

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

- (a) substituting for paragraphs (e) and (f) of subsection (1) the following paragraphs:—

(e) A covenant by the lessee that so long as any petroleum or any product thereof obtained from any land held by him under the petroleum lease, can be consumed in Australia, he shall, if so required by the Minister, ensure that that petroleum and product thereof shall be disposed of only for consumption in Australia.

(f) A covenant by the lessee that he shall, if so required by the Minister, refine or cause to be refined in the State or some other part of Australia approved of for that purpose by the Minister, such of the petroleum produced from the land held by him under the petroleum lease as is required for consumption in Australia.;

- (b) adding the following subsection:—

(3) For the purposes of this section, the expression "Australia" includes the whole of the Commonwealth of Australia, including any territory governed by the Commonwealth of Australia under mandate or trusteeship.