

PETROLEUM (SUBMERGED LANDS).

No. 54 of 1970.

**AN ACT to amend the Petroleum (Submerged
Lands) Act, 1967.**

[Assented to 5th November, 1970.]

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:—

1. (1) This Act may be cited as the *Petroleum (Submerged Lands) Act Amendment Act, 1970.*

Short title
and citation.

(2) In this Act the Petroleum (Submerged Lands) Act, 1967, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Petroleum (Submerged Lands) Act, 1967-1970.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

S. 14 re-
pealed and
re-enacted.

3. Section 14 of the principal Act is repealed and re-enacted as follows—

Application
of laws in
areas adja-
cent to
State.

14. (1) Subject to this Act, the provisions of the laws whether written or unwritten, as in force in the State for the time being, and the provisions of any instrument having effect under any of those laws, apply, as provided by this section, in the adjacent area and so apply as if that area were part of the State and of the Commonwealth.

(2) A law shall be taken to be a law in force in the State notwithstanding that that law applies to part only of the State.

(3) The provisions referred to in subsection (1) of this section apply to and in relation to all acts, omissions, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum and the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil.

(4) Without limiting the operation of subsection (3) of this section, the provisions referred to in subsection (1) of this section apply—

(a) to and in relation to—

(i) an act or omission that takes place in, on, above, below or in the vicinity of; and

(ii) a matter, circumstance or thing that exists or arises with respect to or in connection with—

a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for any

reason touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the adjacent area for petroleum or the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil;

(b) to and in relation to a person who—

(i) is in the adjacent area for any reason of the kind referred to in paragraph (a) of this subsection; or

(ii) is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the adjacent area for any reason of the kind referred to in paragraph (a) of this subsection; and

(c) to and in relation to a person in respect of his carrying on any operation or doing any work in the adjacent area for any reason of the kind referred to in paragraph (a) of this subsection.

(5) This section does not—

(a) extend to the provisions of any law or instrument—

(i) in so far as it is specifically provided that that law or instrument is not to extend to, apply in or have effect in the adjacent area; or

(ii) in so far as it is not within the authority of Parliament to make those provisions applicable in the adjacent area;

- (b) operate so as to apply the provisions of any law of the Commonwealth in any part of the adjacent area in which that law applies.

(6) Except as provided by section 14A of this Act, this section does not limit the operation that any law or instrument has apart from this section.

(7) The regulations may provide that such of the provisions referred to in subsection (1) of this section as are specified in the regulations do not apply by reason of this section or so apply with such modifications as are specified in the regulations.

(8) For the purposes of subsection (7) of this section, "modification" includes the omission or addition of a provision or the substitution of a provision for another provision.

(9) Notwithstanding anything in this section or in section 15 of this Act, the regulations that may be made for the purposes of subsection (7) of this section include regulations having the effect that provisions as modified by the regulations make provision for and in relation to—

- (a) removing or modifying a jurisdiction, power or function of; or
- (b) conferring a jurisdiction, power or function on—

a court, board, tribunal or authority. .

S. 14A added.

4. The principal Act is amended by adding after section 14 a section as follows—

Parts III
and IV not
affected by
this Part.

14A. Parts III and IV of this Act have effect notwithstanding anything in this Part of this Act or in any other law. .

5. Subsection (1) of section 15 of the principal Act is amended by adding after the word "to" in line one the passage "subsection (9) of section 14 of this Act and to".

Amendment
to s. 15.
(Jurisdiction
of State
Courts.)

6. Subsection (3) of section 25 of the principal Act is amended by substituting for the word "licence" in line six the word "permit".

Amendment
to s. 25.
(Consideration
of
application.)

7. Subsection (1) of section 101 of the principal Act is amended by deleting the passage "being a permittee, licensee, pipeline licensee, the holder of a special prospecting authority or access authority," in lines two, three and four.

Amendment
to s. 101.
(Directions.)
