

6 GEO. V. No. 23, 1915. *Petroleum Act.*

be signed by the Under Secretary or chief clerk of the Department of Mines, or a warden or mining registrar, that such notice has been duly posted, shall be sufficient proof in every court of justice, and for all purposes, of that fact and of the due taking possession of the land.

**An Act to Declare the Rights of the Crown in Petroleum; and to Amend "The Mining for Coal and Mineral Oil Act of 1912" in certain particulars; and for other incidental purposes.**

6 Geo. V.  
No. 23.  
THE  
PETROLEUM  
ACT OF 1915.

[ASSENTED TO 22ND DECEMBER, 1915.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Petroleum Act of 1915.*" Short title.

2. In this Act—

Definitions.

"Minister" means the Secretary for Mines or other Minister of the Crown charged for the time being with the administration of this Act;

"Petroleum" means mineral oil occurring in a free state and which may be obtained by borings or wells; and natural gas: the term does not include mineral oil which may be extracted from coal, shale, or other rock by some industrial process. Petroleum.

3 This Act does not apply to mineral oil which may be extracted from coal, shale, or other rock by some industrial process. Application of Act.

4. 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. Petroleum is the property of the Crown.

5. Nothing in this Act shall prevent the Governor in Council from granting a just reward to the discoverer of a new oil field or area situated not less than one hundred miles distant from an existing oil well. Reward for discovery of new oil field.

Reservations  
in Crown  
grants.

6. All Crown grants and leases under any Act relating to Crown land 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 the right of access for the purpose of searching for and for the operations of obtaining petroleum in any part of the land.

Power to  
obtain  
petroleum.

7. (1.) The Minister is hereby empowered, by his officers, agents, and workmen, to carry on the business of searching for petroleum, and of conducting all operations deemed necessary for obtaining, refining, and disposing of petroleum, in or upon any land in Queensland.

(2.) For this purpose the Minister may enter upon and occupy, either temporarily or permanently—

(a) Any vacant Crown land; or

(b) Without making any compensation, except for permanent deprivation of the possession of so much of the surface, including any improvements thereon, as is required for any purpose other than the actual working of the mine and other than surface rights of way thereto or therefrom, any land in the grant or subsisting lease or license of which from the Crown, whether issued before or after the passing of this Act, petroleum has been reserved; or

(c) Subject to paying compensation, any other land alienated from the Crown for an estate in fee-simple before the passing of this Act, or any other land held under subsisting lease or license from the Crown issued before the passing of this Act.

(3.) For the purpose of determining the compensation to be paid under this section, the provisions of "*The Public Works Land Resumption Act of 1906*"\* shall be applicable.

(4.) The compensation, if any, to be made under paragraph (c) of subsection two of this section shall be compensation for—

(i.) Deprivation of the possession of the surface or of any part of the surface; and

(ii.) Damage to the surface or any part thereof and to any improvements thereon which may arise from the carrying on of operations thereon or thereunder; and

\* 6 Edw. VII. No. 14, *supra*, page 3608.

1915.

*Petroleum Act.*

- (iii.) Severance of the land from other land of the owner or occupier ; and
- (iv.) Surface rights of way ; and
- (v.) All consequential damages :

Provided that—

- (a) In determining the amount of compensation no allowance shall be made for any petroleum known or supposed to be in or under the land ;
- (b) Compensation under this section shall not be payable in any case where the operations of the Minister do not comprise any portion of the surface of the land.

8. The Governor in Council may from time to time, <sup>Land may be resumed.</sup> under and subject to “ *The Public Works Land Resumption Act of 1906,*”\* resume on behalf of the Crown any land which in his opinion ought to be resumed for the purposes of this Act, and for the purpose of any such proposed resumption may cause the land to be inspected and reported upon by such officers and workmen as he directs, all of whom may thereupon enter upon the land and carry out all necessary operations. Upon any such resumption the owner shall be entitled to compensation, and the amount of such compensation shall be determined in the manner prescribed by the last-mentioned Act: Provided that in assessing compensation no allowance shall be made for any petroleum known or supposed to be in or under the land resumed.

9. The following amendments are made in “ *The Mining for Coal and Mineral Oil Act of 1912,*”† and the said Act shall be read and construed as if the same had <sup>Amendment of 3 Geo. V. No. 6.</sup> been contained therein at the date of the passing thereof:—

(1.) In section four, in the definition of “Coal” the words “bituminous or carbonaceous shale” are repealed ; also the definition of “Mineral oil” is repealed, and the following definition is inserted in lieu thereof:—

“Mineral oil”—Mineral oil which may be extracted <sup>Mineral oil.</sup> from coal, shale, or other rock by some industrial process: the term does not include petroleum occurring in a free state, and which may be so obtained by borings or wells, or natural gas.

\* 6 Edw. VII. No. 14, *supra*, page 3608.

† 3 Geo. V. No. 6, *supra*, page 5675.

(2.) After section four, the following section is inserted :—

Act does not apply to petroleum or natural gas. [4A.] This Act does not apply to petroleum occurring in a free state, and which may be so obtained by borings or wells, or to natural gas.

(3.) In subsection three of section seven the words “thirty acres” are repealed, and the words “three hundred and twenty acres” are inserted in lieu thereof.

In subsection six of the said section, after the words “Two or more leases” the words “for mining for coal” are inserted ; after the word “exceed” the words “in the case of coal” are repealed ; also the words “and in the case of mineral oil sixty acres” are repealed.

(4.) In the second paragraph of section nine, after the words “mineral oil,” where they twice occur, the words “or oil-bearing shale” are respectively inserted.

(5.) Subsection one of section thirteen is repealed, and the following subsection is inserted in lieu thereof :—

Labour covenant.

(1.) Every lease under this Act shall, in addition to all other covenants and conditions applicable to mineral leases, contain a covenant and condition on the part of the lessee, his executors, administrators, and assigns, as follows :—

(a) To work the land demised by not less than one man for every forty acres or fraction of forty acres during the first two years of the term, and by not less than one man for every twenty acres during the remainder of the term :

Provided that, upon the recommendation of the Minister, the Governor in Council may, in lieu of the aforesaid covenant, authorise the grant of such lease containing the covenant following, that is to say,—

During each half-year of the first two years of the term, to expend in mining operations upon the land or in work connected with and necessary for the effectual proving, development, and working of the mines in the land, such as the construction of any tramways, roads, races, or dams, or the purchase and erection of buildings, machinery, and plant, a sum of not less than one hundred pounds for every forty acres or fraction of forty acres ;

1915.

*Petroleum Act.*

And during each half-year of the remainder of the term to expend as aforesaid a sum at the rate of not less than one hundred pounds for every twenty acres or fraction of twenty acres.

And during the whole term not to remove any buildings or machinery or other improvements erected, placed, or constructed upon the land by means of the expenditure aforesaid, except by the express permission of the Minister, or except for the purpose of the necessary repair or renewal thereof;

- (b) A condition that for any breach of the aforesaid covenant, or of any of the covenants contained in the lease, the Minister may either forfeit the lease or in his discretion impose upon the lessee a fine not exceeding one hundred pounds, and on non-payment of any such fine may forfeit the lease.

Work done under a tribute agreement shall be a sufficient compliance with the labour covenant.

Any work done by the lessee himself or by any tributers shall, to the amount of the value of such work and upon the lessee satisfying the Minister as to such value, be deemed to be equivalent to the expenditure of money.

10. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act, and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or insufficiency. Regulations.

(2.) The regulations may fix a penalty, not exceeding in any case twenty pounds, for any breach thereof.

(3.) All such regulations shall be published in the *Gazette*, and thereupon, subject to subsection four hereof, shall be of the same effect as if they were contained in this Act.

Such regulations shall be laid before Parliament within fourteen days after such publication, if Parliament is in session, and if not then within fourteen days after the commencement of the next session.

*Patriotic Funds Administration Act.* 6 GEO. V. No. 36,

(4.) If the Legislative Council or Legislative Assembly passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

**PATRIOTIC FUNDS.**

**An Act to make provision for the Due Administration of Patriotic Funds raised in Queensland in connection with the present War, and for other purposes incidental thereto.**

6 Geo. V.  
No. 36.  
THE  
PATRIOTIC  
FUNDS  
ADMINISTRATION  
ACT  
OF 1916.

[ASSENTED TO 28TH JANUARY, 1916.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as "*The Patriotic Funds Administration Act of 1916.*"

Administration of Act.

2. This Act shall be administered by the Chief Secretary.

Patriotic funds may be taken over.

3. (1.) The Governor in Council may from time to time, by Order in Council published in the *Gazette*, with the consent of the person or persons or a majority of the persons (all of whom are herein referred to as "the trustees") for the time being constituting the trustees of or having the possession, management, or control of any sums of money standing to the credit of any fund, by whatever name called, which have been raised by voluntary contribution amongst the people of Queensland, and whether other persons have or have not contributed to the same, for affording aid, assistance, relief, or benefit in connection with the present War, or on being satisfied that there has been or is any maladministration by the trustees of any of such moneys, declare that, on and from a date to be stated in such Order, all or any of such moneys shall be divested from the trustees, and shall be and become vested in the Chief Secretary, representing the Government of Queensland, on the same trusts or for the same purposes or objects as the same are presently held, and shall be managed and administered by the Chief Secretary under this Act; and every such Order shall have effect accordingly.