



ANNO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1958.

No. 16 of 1958.

An Act to amend the Mining (Petroleum) Act, 1940.

[Assented to 23rd October, 1958.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Mining (Petroleum) Act Amendment Act, 1958".

(2) The Mining (Petroleum) Act, 1940, as amended by this Act may be cited as the "Mining (Petroleum) Act, 1940-1958".

(3) The Mining (Petroleum) Act, 1940, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated in the principal Act and that Act and this Act shall be read as one Act.

**Amendment of
s. 6 of the
principal Act—
Grant of
licences.**

3. Section 6 of the principal Act is amended as follows :—

(a) The last two lines of subsection (1) are struck out ;

(b) The following subsection is inserted after subsection (1) :—

(1a) A licence shall not be granted in respect of any land if, as a result of such grant, that land would be comprised in two licences held by different persons at the same time.

4. Section 7 of the principal Act is amended by striking out in subsection (3) the words "delineated the boundaries of" and inserting in lieu thereof the words "shown or indicated".

Amendment of s. 7 of the principal Act—
Application for licences.

5. Section 8 of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

Amendment of s. 8 of principal Act—
Power to hold several licences.

(2) An applicant for two or more licences shall make a separate application for each licence.

6. The following section is enacted and inserted in the principal Act after section 8 :—

Enactment of s. 8a of the principal Act—
Licence over separate parcels.

8a. A licence may be granted over two or more separate areas of land, but the aggregate amount of land comprised in all the areas over which the licence is granted shall comply with the provisions of this Act prescribing the amount of land which may be comprised in a licence.

7. Section 9 of the principal Act is amended—

Amendment of s. 9 of the principal Act—
Grant of licence to person holding interests in land.

(a) by inserting after the word "interest" in the third line the words "or over which he holds a licence of a different kind issued under this Act"; and

(b) by inserting after the word "therein" in the sixth line the words "or holds such other licence".

8. Section 12 of the principal Act is amended—

Amendment of s. 12 of the principal Act.
Terms of licence.

(a) by adding after the word "conditions" in the second line the words "authorized or permitted by this Act or"; and

(b) by adding after the word "clauses" in the fourth line "conferring rights or imposing duties on the licensee or the Minister or".

9. Section 16 of the principal Act is amended as follows :

Amendment of s. 16 of the principal Act—
Term of oil exploration licence and renewal.

(a) The word "two" in the second line of subsection (1) is struck out and the word "five" inserted in lieu thereof :

(b) Subsection (2) is struck out and the following subsection inserted in lieu thereof :—

(2) Subject to section 40 of this Act, the holder of an oil exploration licence shall have a right to the renewal thereof from time to time. Unless it is otherwise agreed, the licence granted by way of renewal shall be for the same term and be subject to the same terms, covenants and conditions as the expiring licence: Provided that the Minister may refuse to renew a licence if the licensee has contravened or failed to comply with any of the terms, covenants or conditions of such licence, or any of the provisions of this Act or the regulations.

Amendment of s. 17 of the principal Act—
Duties of holder of oil exploration licence.

10. Section 17 of the principal Act is amended by adding at the end of subsection (1) thereof the following proviso:—

Provided that a licence may contain terms, covenants or conditions for the purpose of varying, adding to, or substituting other requirements for, the requirements of this subsection.

Amendment to s. 18 of principal Act—
Preferential right to oil prospecting licence.

11. Section 18 of the principal Act is amended by inserting after the word “licence” in the third line the words “or an oil mining licence in respect”.

Amendment of s. 21 of the principal Act—

12. Section 21 of the principal Act is repealed and the following section enacted and substituted in lieu thereof:—

Shape of areas in prospecting licences.

21. Each separate area in respect of which an oil prospecting licence is granted shall, as far as practicable, be compact and bounded either by well marked permanent physical features or by straight lines.

Consequential repeal of s. 22 of the principal Act.

13. Section 22 of the principal Act is repealed.

Amendment of s. 23 of principal Act—
Terms of oil prospecting licence.

14. Section 23 of the principal Act is amended as follows:—

(a) The word “four” in the second line of subsection (1) is struck out and the word “five” inserted in lieu thereof:

(b) Subsection (2) thereof is struck out and the following subsection inserted in lieu thereof:—

(2) Subject to section 40 of this Act the holder of an oil prospecting licence shall have a right to the renewal thereof from time to time. Unless it

is otherwise agreed the licence granted by way of renewal shall be for the same term and be subject to the same terms, covenants and conditions as the expiring licence : Provided that the Minister may refuse to renew an oil prospecting licence if the licensee has contravened or failed to comply with the terms, covenants or conditions of such licence, or any of the provisions of this Act or the regulations.

15. Section 27 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

The repeal of s. 27 of the principal Act and enactment of other provisions.

27. An oil mining licence shall not be granted except over land which is or has been previously included either in an oil exploration licence, an oil prospecting licence, or an oil mining licence, or adjoins an area already held under an oil mining licence by the applicant.

16. Section 29 of the principal Act is repealed.

Consequential repeal of s. 29.

17. Section 30 of the principal Act is amended—

Amendment of s. 30 of the principal Act—Shape of area.

- (a) by adding after the word “shall” in the second line the words “as far as practicable” ; and
- (b) by striking out all words therein after the word “lines” in the third line.

18. Section 38 of the principal Act is amended by inserting therein after subsection 2 the following subsection :—

Amendment of s. 38 of principal Act—Surrender of licence.

(2a) Where an application for permission to surrender a licence is made by a licensee who has complied with the requirements mentioned in subsections (1) and (2) of this section and the terms, covenants and conditions of his licence, the Minister shall grant the application and the licensee shall be entitled to surrender his licence.

19. Section 40 of the principal Act is amended—

Amendment of s. 40 of the principal Act—Power of Minister on application for renewal.

- (a) by inserting at the commencement thereof the figure and words “(1) Subject to subsection (2) of this section” ;

- (b) by adding at the end thereof the following subsection :—

(2) The Minister on the recommendation of the Director of Mines may by a covenant in any licence undertake that the powers conferred on him by subsection (1) of this section will not be used on any renewal of the licence granted during a period specified in the covenant.

Amendment of
s. 42 of the
principal Act—
Consent to
dealings with
licences.

20. Section 42 of the principal Act is amended—

- (a) by striking out the word “mortgaged” in the second line of subsection (1) ;
- (b) by adding at the end of subsection (1) the following proviso :—

Provided that a licence or an interest in a licence may be mortgaged or charged without the consent of the Minister, but any assignment or transfer of the licence or interest for the purpose of enforcing the mortgage or charge shall not be made except to a person approved by the Minister, and if made without such approval shall be void.

- (c) by striking out the words “not be bound to consent thereto” at the end of subsection (2) and inserting in lieu thereof “have a discretion to grant or refuse such consent but shall not capriciously or unreasonably refuse it”.

Amendment of
s. 56 of
principal Act—
Monthly and
annual
records.

21. Section 56 of the principal Act is amended by adding at the end thereof the following subsection :—

- (4) In this section—

“licensee” means the holder of an oil mining licence :

“licence” means oil mining licence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.