

PAPUA.



No. 14 of 1939.

AN ORDINANCE

To Amend the "Petroleum (Prospecting and Mining) Ordinance, 1938-1939."

[RESERVED 15TH AUGUST, 1939 ;
ASSENTED TO 20TH SEPTEMBER, 1939.]^(a)

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. (1) This Ordinance may be cited as the *Petroleum (Prospecting and Mining) Ordinance* (No. 2), 1939. Short title and citation.

(2) The *Petroleum (Prospecting and Mining) Ordinance, 1938-1939*, is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Petroleum (Prospecting and Mining) Ordinances, 1938-1939*.

(a) Assent notified in *Gazette* No. 22 of 4th October, 1939.

Petroleum (Prospecting and Mining) Ordinance (No. 2), 1939.

Commencement.

2. This Ordinance shall be deemed to have commenced on the date of the commencement of the Principal Ordinance.

Repeal.

3. Section Five of the Principal Ordinance is amended—

- (a) by omitting from Subsection Two the words, “the next succeeding subsection” and inserting in their stead the words, “this section”; and
- (b) by inserting after Subsection Two the following subsection:—

“(2A.) Notwithstanding anything contained in any such permit issued to or held by a company or corporation, the permit shall not be subject to any condition providing that the permittee shall at all times during the currency of the permit continue a qualified person within the meaning of the *Petroleum (Mining) Ordinance, 1934*, or of that Ordinance as subsequently amended, or to the like effect, and the permit shall not be subject to any condition requiring the company or corporation to furnish the Lieutenant-Governor with particulars of its shareholders or of any alterations in its shareholders.”

Issue of permits.

4. Section Twenty of the Principal Ordinance is amended by inserting in Subsection Three, after the word, “months” (first occurring) the words, “subject to such terms and conditions as the Lieutenant-Governor in Council, with the approval of the Minister, determines.”

Section 20 (a) of Principal Ordinance amended.

5. Subsection Three of Section Twenty A of the Principal Ordinance is amended by inserting the word “comprised” immediately after the word “land” first occurring therein.

Cancellation of leases.

6. Section Thirty-three of the Principal Ordinance is amended—

- (a) by inserting in Subsection Three after the word, “Warden”, the words, “within whose jurisdiction the land comprised in the licence is situated”;

- (b) by omitting from Subsection Four the words, “and upon publication in the *Gazette* of notice of the cancellation, the right, title, estate or interest in the licence of the licensee and of any person claiming under him shall cease and determine”; and
- (c) by omitting Subsection Five.

7. Section Forty-four of the Principal Ordinance is amended— Prohibition of combines, etc.

- (a) by inserting in Subsection Three after the word, “Warden”, the words, “within whose jurisdiction the land comprised in the lease is situated”;
- (b) by omitting from Subsection Four the words, “and upon publication in the *Gazette* of notice of the cancellation, the right, title, estate or interest in the lease of the lessee and of any person claiming under him shall cease and determine without re-entry on the land comprised in the lease”; and
- (c) by omitting Subsection Five.

8. Section Forty-nine of the Principal Ordinance is amended— Prohibition of combines, etc.

- (a) by omitting from Subsection (a) thereof the word “permt” and inserting the word “permit” in its stead; and
- (b) by omitting the words, “the permit, licence or lease shall be cancelled in the prescribed manner” and inserting in their stead the words, “the Lieutenant-Governor shall cancel the permit, licence or lease”.

9. Section Sixty of the Principal Ordinance is amended by inserting the word and symbol, “permittee,” Reports to be treated as confidential. immediately before the word “licensee,” (wherever occurring).

Procedure on
cancellation
of permit,
licence or
lease.

10. Section Seventy-four of the Principal Ordinance is repealed and the following section inserted in its stead:—

“74. (1) Where the Lieutenant-Governor cancels a permit, licence or lease he shall publish in the *Gazette* a notice of the cancellation, and thereupon the right, title, estate and interest in the permit, licence or the lease of the permittee, licensee or lessee, as the case may be, and of any person claiming under him, shall cease and determine without re-entry on the land comprised in the permit, licence or lease.

(2) Production of the *Gazette* containing a notice under the last preceding subsection shall be conclusive evidence in any court that the right, title, estate and interest in the permit, licence or lease of the permittee, licensee or lessee, as the case may be, and of any person claiming under him, have been lawfully determined.

(3) The cancellation of a permit, licence or lease by the Lieutenant-Governor in pursuance of this Ordinance—

(a) shall be final and without appeal; and

(b) shall not release the permittee, licensee or lessee from any liability in respect of the permit, licence or lease incurred prior to the date of cancellation.”

Compensation
before drilling
on private or
improved land.

11. Section Seventy-eight of the Principal Ordinance is amended by omitting the words, “nearest Warden’s Court” and inserting in their stead the words, “Warden’s Court within the jurisdiction of which the land is situated.”

Agreement
as to
compensation.

12. Section Seventy-nine of the Principal Ordinance is amended—

(a) by omitting from Subsection Two the words, “nearest Warden’s Office” and inserting in their stead the words, “office of the Warden within whose jurisdiction the land is situated”; and

(b) by omitting from Subsection Three the words, “nearest Warden’s Court” and inserting in

their stead the words, "Warden's Court within the jurisdiction of which the land is situated."

Passed in Council this fifteenth day of August, in the year of Our Lord One thousand nine hundred and thirty-nine.

Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the twentieth day of September, One thousand nine hundred and thirty-nine.

