

PAPUA.



No. 6 of 1927.

# AN ORDINANCE

*Relating to Petroleum.*

J. H. P. MURRAY.

[L.S.]

*13th June, 1927.*

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

**1.** This Ordinance may be cited as the *Petroleum Ordinance*, 1927. Citation.

**2.** In this Ordinance—

*Interpretation.*

“Petroleum” means and includes petroleum rock oil Rangoon oil Burmah oil and any product of them and any oil made from petroleum coal schist shale peat or other bituminous substance or product of them and which has been imported into the Territory in several receptacles other than in bulk: Provided that the Lieutenant-Governor may by Order in Council published in the *Gazette* exclude from this definition such products of petroleum as he may deem expedient;

Cf. Fiji, No. 5 of 1918, s. 2.

“Place” means and includes any house store-house warehouse shop or other building cellar yard or wharf;

“Licensing Officer” means any person appointed as a licensing officer under the provisions of this Ordinance;

“Public Magazine” means any building proclaimed as such under this Ordinance;

“Private Magazine” means any private magazine for the storage of petroleum for which a licence for the storage of petroleum has been issued under this Ordinance;

“Licence” means a licence for a private magazine issued and current under this Ordinance.

Vessels having  
petroleum on  
board.

**3.** (1) Every vessel carrying a cargo consisting wholly or in part of petroleum and entering any harbour within the Territory from any port beyond the Territory shall conform to such instructions in respect to the position at which she is to be moored as may from time to time be issued by the Harbour Master.

(2) If any vessel is moored in any position in contravention of such instructions the owner or master of such vessel shall incur a penalty not exceeding Twenty pounds for each day during which the vessel remains so moored and it shall be lawful for the Harbour Master or any other person acting under his orders to cause such vessel to be removed at the expense of the owner or master thereof to such a position as may be ordered by the Harbour Master and all expenses incurred in such removal may be recovered in the same manner as penalties are hereinafter made recoverable.

Keeping of  
petroleum.  
Cf. Fiji, No. 5  
of 1918, s. 4.

**4.** (1) No person shall keep in any place within the limits of the Towns of Port Moresby or Samarai or within any other area from time to time proclaimed by the Lieutenant-Governor to be subject to the provisions of this Ordinance petroleum in any quantity exceeding forty-five imperial gallons unless such petroleum shall be stored in a public or private magazine hereinafter provided for:

Provided that where any place in which petroleum is kept in quantities exceeding forty-five gallons for sale by retail or by wholesale at the commencement of this Ordinance does not comply with the requirements prescribed for

a private magazine the owner or occupier of such place shall (if he desires or intends to continue to keep petroleum in quantities exceeding forty-five gallons) within three months after the commencement of this Ordinance or within such further time as the Lieutenant-Governor may in writing allow for that purpose construct a magazine of one or other of the kinds prescribed and apply for a licence therefor.

(2) All petroleum shall be kept in some vessel or vessels of glass earthenware or metal or of such other material as may be prescribed and shall be securely stoppered.

**5.** The Lieutenant-Governor may from time to time by Proclamation published in the *Gazette* proclaim any building to be a public magazine for the storage of petroleum and may appoint fit and proper persons to have the charge and custody of any such magazine and may fix the storage rent payable on goods kept therein.

Public  
magazines.  
Cf. Fiji, No. 5  
of 1918, s. 5.

**6.** No petroleum shall be delivered from or received into any public magazine except between the hours prescribed.

Delivery from  
public  
magazine.  
Ib. s. 6.

**7.** (1) An application for a licence for a private magazine for the storage of petroleum shall be made as prescribed to a licensing officer who may be appointed by the Lieutenant-Governor. Until such appointment is made the Director of Public Works shall be the licensing officer.

Application  
for licence for  
private  
magazines.  
Ib. s. 7.

(2) Every such application shall be submitted by the licensing officer to the Lieutenant-Governor and if he approves the application the licence applied for shall be issued by the licensing officer as prescribed.

Issue of  
licence.  
Ib. s. 7.

(3) The licence shall state the quantity of petroleum which may be stored in the private magazine.

Contents of  
licence.

(4) Any person who keeps in a private magazine a greater quantity of petroleum than is allowed by his licence shall be guilty of an offence against this Ordinance.

**8.** A private magazine shall not be used as such unless it is constructed of such materials in such manner and shall comply with all such requirements as may be prescribed.

**9.** No petroleum shall be delivered from any private magazine except between the hours of seven o'clock in the forenoon and six o'clock in the afternoon or between such other hours as may be prescribed.

Delivery from  
private  
magazines.  
Ib. s. 8.



Licence fee.

**10.** The fee for a licence shall be as prescribed and the licence shall commence on the date it is issued and shall expire on the last day of December next after it is issued.

Search  
warrant.  
Cf. Fiji, No. 5  
of 1918, s. 11.

**11.** (1) Any Magistrate on reasonable cause assigned on oath may issue a warrant under his hand for searching in the daytime any place other than a public or private magazine in which petroleum is suspected to be kept contrary to the provisions of this Ordinance.

(2) All petroleum found to be kept in such place contrary to this Ordinance and also the vessels and receptacles in which the same shall be kept shall be immediately seized by the searcher who shall with all convenient speed after seizure remove such petroleum and the vessels or receptacles containing it to a public magazine or if there be no public magazine to some other place of safety and may detain such petroleum and such vessels and receptacles.

(3) The searcher shall not be liable to any action for such removal or detention or for any loss or damage to such petroleum or vessels or receptacles other than by his wilful act or neglect.

(4) The owner or occupier of any place whereon petroleum shall be found to be kept contrary to this Ordinance upon search under this section shall be and be deemed to be guilty of an offence under this Ordinance. In addition to any monetary penalty to which such owner or occupier is liable under the provisions hereinafter contained on conviction for such an offence all petroleum and the vessels and receptacles so seized shall be and are hereby declared to be forfeited to His Majesty.

(5) If after diligent inquiry by the searcher who found and seized such petroleum no owner or occupier of the place whereon the petroleum was kept can be found such searcher may apply in writing to a Magistrate to order forfeiture of the petroleum and the vessels and receptacles containing it and the Magistrate on being satisfied that such diligent inquiry has been made shall make an order forfeiting such petroleum vessels and receptacles to His Majesty whereupon such forfeiture shall take immediate effect.

Power of entry  
and inspection.  
*Ib.* s. 12.

**12.** (1) The licensing officer or any European officer of police or officer of armed constabulary either alone or

accompanied by such assistants as he may think fit may at any time between the hours of seven in the forenoon and five in the afternoon enter any private magazine and may inspect and examine the construction state and condition thereof and any vessel or receptacle containing oil or other liquid material and may take a sample not exceeding twelve fluid ounces from each such vessel or receptacle.

(2) Any person whose premises shall be so entered shall give to any such licensing officer or European officer of police or of armed constabulary as aforesaid every assistance and facility.

(3) If any such person shall fail to give to any such licensing officer officer of police or armed constabulary while acting under this section every assistance and facility or shall in any manner obstruct any such officer while acting under this section shall be guilty of an offence against this Ordinance.

**13.** The Lieutenant-Governor in Council may from time to time make alter and revoke regulations not inconsistent with this Ordinance prescribing all matters which by this Ordinance are required or permitted to be prescribed and which are necessary or convenient to be prescribed and in particular for any of the following matters that is to say regarding—

Regulations.  
Cf. Fiji, No. 5  
of 1918, s. 10.

- (a) the application for and the issue of licences for private magazines ;
- (b) the conditions of issue of licences ;
- (c) the fees which shall be payable for licences ;
- (d) the forms and kinds of licences ;
- (e) the landing receiving storing delivery and removal of petroleum ;
- (f) the transport of petroleum by land and by sea from one place to another within the Territory :

Provided that the regulations contained in the Schedule to this Ordinance shall be in force unless and until they shall have been altered amended or revoked by regulations made under the foregoing provisions of this section.

Proviso.  
Schedule.

**14.** Any person who shall contravene any of the provisions of this Ordinance or of the regulations made

Penalties for  
offences, etc.  
Ib. s. 13.

under this Ordinance for which no penalty is specified or who shall be guilty of an offence against this Ordinance shall be liable to a penalty not exceeding Fifty pounds.

Averment of  
prosecution  
sufficient.

**15.** In any prosecution for any contravention of the provisions of this Ordinance or of the regulations the averment of the prosecutor contained in the complaint—

- (a) that the defendant was not the holder of a licence or any particular kind of licence at the time the alleged offence was committed;
  - (b) that the material referred to therein is petroleum;
- shall be deemed to be proved in the absence of proof to the contrary.

Forfeiture of  
Crown lease in  
certain cases.

**16.** If any person is convicted—

- (a) of a contravention of the provisions of Subsection (1) of Section 4 or of any offence under Section 11 of this Ordinance and it is certified to the Lieutenant-Governor by the convicting Magistrate that it was proved to his satisfaction on the hearing of the complaint that—
  - (1) the place upon which the petroleum was kept was comprised or partly comprised in a lease from the Crown of a Town allotment in the Town of Port Moresby or Samarai;
  - (2) the person convicted was the owner or the occupier of such Town allotment; and
  - (3) the quantity of petroleum kept in such place exceeds One hundred gallons; or
- (b) under Subsection (4) of Section 7 of this Ordinance of keeping in a private magazine a greater quantity of petroleum than was allowed by his licence and it is certified to the Lieutenant-Governor by the convicting Magistrate that it was proved to his satisfaction on the hearing of the complaint that—
  - (1) the private magazine was situated wholly or partly on a Town allotment in the Town of Port Moresby or Samarai under a lease from the Crown; and
  - (2) the person convicted was the owner or occupier of such Town allotment; or



(c) of using a private magazine as such in contravention of the provisions of Section 8 of this Ordinance and of the regulations made thereunder and it is certified to the Lieutenant-Governor by the convicting Magistrate that it was proved to his satisfaction at the hearing of the complaint that—

- (1) the private magazine used as such was situated wholly or partly on a Town allotment in the Town of Port Moresby or Samarai under a lease from the Crown ; and that
- (2) the person convicted was the owner or occupier of such Town allotment ;

it shall be lawful for the Lieutenant-Governor in any of such cases by Order in Executive Council to declare the lease referred to therein to be forfeited to His Majesty and thereupon such lease shall be void as from the date of the *Gazette* in which such Order in Council is published. The Registrar of Titles shall make an entry to that effect in the Register of Crown Leases :

Provided always that if in any case above referred to the person convicted was the occupier and not also the owner of the lease from the Crown and the lessee from the Crown of any such Town allotment proves to the satisfaction of the Lieutenant-Governor that he had no knowledge or means of knowledge that the occupier was committing any offence of the nature referred to in Paragraphs (a) (b) or (c) above-mentioned (as the case may be) the Lieutenant-Governor may abstain from forfeiting the lease.

Passed in Council this thirteenth day of June, in the year of Our Lord One thousand nine hundred and twenty-seven.

---

#### THE SCHEDULE.

Section 13.

---

(Section 13.)

---

#### *Interpretation.*

1. In these Regulations—

“The Ordinance” means the *Petroleum Ordinance, 1927*, and any Ordinance amending the same ;

- "Boat" means any vessels propelled by oars only ;  
"Ship" includes every description of vessel used in navigation not propelled by oars only ;  
"Wharf" includes any quay landing-place landing-stage jetty pier hulk or other place at which goods are landed loaded or unloaded ;  
"Screen wall" means a wall of brick stone concrete or other substance efficient for the purpose of preventing the percolation of oil and the spread of fire from any one place to any other place ;  
"Dwarf wall" means a wall composed of the same substance as a screen wall may be composed and having a like efficiency.

*Private magazines to be licensed.*

2. Private magazines for the keeping of petroleum must be licensed annually and all such licences shall expire on the thirty-first day of December in each year and shall be on the form marked "A" annexed hereto.

*Applications for licence how made.*

3. Application for a licence for a private magazine shall be made to the licensing officer and shall be in the form marked "B" annexed hereto and shall be submitted by the licensing officer to the Lieutenant-Governor.

*Magazine for less than two hundred gallons within a building may be licensed—fee payable.*

4. (1) A licence for a private magazine to contain not more than two hundred imperial gallons may after the application therefor has been approved by the Lieutenant-Governor be issued by the licensing officer in respect of a magazine situated within another building and for each such licence the applicant shall pay to the licensing officer a fee of One pound.

*Construction and materials to be used.*

(2) Such magazine shall—

- (a) be constructed in such manner or surrounded by walls of such character that petroleum stored cannot escape therefrom in the form of liquid either under the action of fire by pressure or otherwise ;
- (b) have a roof of galvanized iron or other non-inflammable material which may be affixed to wooden rafters ;
- (c) be thoroughly ventilated with one or more ventilating flues of incombustible material such as galvanized iron leading from close above the floor level to the outside air at a point not closer than three feet to any window door or other opening or exit : Provided that no ventilator shall lead into any building but must connect direct to the open air.

*When magazine for over two hundred gallons may be licensed—  
construction and materials to be used.*

5. (1) A licence for a private magazine to contain more than two



hundred gallons may after the application therefor has been approved by the Lieutenant-Governor be issued by the licensing officer in respect of a magazine which is used only for the storage of petroleum and is situated not less than thirty feet from any other building or not less than any shorter distance than thirty feet from any other building which the Lieutenant-Governor in Council may approve in any individual case.

(2) For each such licence the applicant shall pay to the licensing officer the sum of Two pounds.

(3) The general construction of such magazine shall be as follows:—

- (a) Subject to the provisions of Paragraph (c) of this sub-regulation the lower part of the walls shall consist of a dwarf wall of a sufficient height to hold the quantity of petroleum which the magazine is licensed to store and designed to prevent outflow or percolation of liquid either under the action of fire by pressure or otherwise;
- (b) The upper portion of the walls (from the dwarf wall upwards) shall be either of similar construction and efficiency as the dwarf wall itself or shall consist of a framework sheeted with corrugated asbestos cement product or (with the written approval of the licensing officer) other non-inflammable material. A wooden framework may be used;
- (c) Such dwarf wall may be dispensed with in which case the whole walls of the magazine from the ground upwards shall consist of such framework and sheeting as are mentioned in Paragraph (b) above: Provided that in such case the private magazine shall be surrounded by a screen wall of sufficient height to hold the quantity of petroleum which the private magazine is licensed to store and designed to prevent overflow or percolation of liquid either under the action of fire by pressure or otherwise;
- (d) The roof of such magazine shall be constructed of a framework of wood or other material approved in writing by the licensing officer covered with corrugated asbestos cement product.

*Fence.*

6. On the boundaries of the land on which such magazine is situated or at such distance from and surrounding the magazine erected within such boundaries as the licensing officer may in writing approve a fence having no facilities for climbing it on its outward side shall be erected consisting of overlapping corrugated iron serrated on top and having concrete posts and rails of a non-combustible nature. The fence shall be at least five feet six inches high and shall be erected on a screen wall at least one foot in height.

*Floors.*

7. The floors of such magazine shall consist of earth or cinders.

*Doors and window fittings.*

8. The doors and window fittings of such magazine may be of wood.

*Ventilation.*

9. Every such magazine must have ventilation at the eaves or through the roof sufficient for the size of the magazine. But every such magazine shall have one or more ventilating flues of incombustible material such as galvanized iron leading from close above the floor level to the outside air at a point not closer than three feet to any window door or other opening or exit.

*Lightning conductor.*

10. Each such magazine shall be fitted with an efficient lightning conductor.

*Sufficiency of construction.*

11. All the above requirements must be fulfilled to the satisfaction of the licensing officer.

*Rules to be observed to secure safety.*

12. Every person keeping petroleum in a private magazine and every person in or about such magazine shall comply with the following general rules :—

- (a) No artificial light of any description shall be brought or used within a magazine except a light incapable of igniting any inflammable vapour outside of the lamp itself. If the light is obtained by some means of combustion the lamp must be constructed on the principle of the Davy Mines Safety Lamp.
- (b) All petroleum received shall be at once taken to the magazine and all petroleum taken from the magazine for delivery or otherwise shall be at once removed from the premises ;
- (c) No person shall smoke or bring matches into a magazine ;
- (d) There shall be kept a sufficient quantity of sand fire extinguishers casks and buckets of fire-fighting solution placed on and around stacks or distributed about the magazine so as to be immediately available for throwing on any petroleum that may be spilled or ignited ;
- (e) Receptacles of petroleum received from a ship or boat shall be reconditioned before they are placed in a magazine ;
- (f) Cased petroleum shall be stacked at least eight inches from any wall so that free circulation of air may be obtained and shall be stored and stacked in such manner as to permit easy access for inspection as provided by the Ordinance ;
- (g) A private magazine or any gate in the fence surrounding the same shall not be or remain open at any time unless there is some responsible European person present in charge of the magazine.

*Ships lying alongside wharf.*

13. The master of any ship or boat having on board petroleum in quantity exceeding 100 gallons for discharge at a wharf shall not bring any such ship or boat alongside such wharf unless such ship or boat is ready to discharge such petroleum forthwith

## *Petroleum Ordinance, 1927.*

---

*Ships, etc., to be under proper control.*

14. Every ship or boat carrying petroleum shall be in charge of some responsible person both day and night.

*Smoking, etc., prohibited.*

15. No person who is engaged in the loading or unloading of petroleum shall smoke or carry matches or other appliances capable of producing ignition.

*Packages containing petroleum to be marked.*

16. Petroleum transported by land or sea in the Territory shall be contained in packages so marked as clearly to indicate that they contain petroleum.

*Transport in leaky packages prohibited.*

17. Petroleum in leaky receptacles shall not be delivered or received for transport by land or sea.

*Leaving petroleum in public places prohibited.*

18. No petroleum shall be allowed to remain on any wharf street road or public place.

*Liability of master, etc.*

19. Where not otherwise provided for the master or person in charge of any ship or boat on which a breach of any of these regulations occurs or is committed shall be deemed to have contravened such regulation.

*Penalty.*

20. Any person contravening any of the provisions of these regulations shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding Fifty pounds in addition to any other penalty or forfeiture to which he is liable under the provisions of the Ordinance.

No. FORM "A."

TERRITORY OF PAPUA.

Petroleum Ordinance, 1927.

### ANNUAL LICENCE FOR A PRIVATE MAGAZINE.

This Licence is hereby granted to \_\_\_\_\_  
of \_\_\_\_\_, for a private magazine situated  
for the storage of not more than \_\_\_\_\_  
gallons of petroleum subject to the provisions  
and restrictions of the *Petroleum Ordinance, 1927*, and the regulations  
for the time being in force thereunder and provided the private magazine  
is maintained in accordance with the provisions of the said Ordinance  
and regulations respecting the storage of petroleum.

This Licence (unless previously cancelled) shall remain in force  
until the thirty-first day of December, 19 \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Licensing Officer.



*Petroleum Ordinance, 1927.*

---

FORM "B."

---

No.

TERRITORY OF PAPUA.

---

*Petroleum Ordinance, 1927.*

---

APPLICATION FOR A LICENCE FOR A PRIVATE  
MAGAZINE.

1. Applicant's name in full.....
2. Applicant's calling or occupation.....
3. Applicant's postal address.....
4. Date of application.....
5. Situation (definite) of magazine to be licensed.....  
.....
6. Name of Town in which premises are situated.....
7. Total quantity (in gallons) to be stored.....
8. Description of magazine.....  
.....

I declare the above statements and answers are true to the best of my knowledge and belief.

Dated this                      day of                      , 19     .

(Signed).....

To

The Licensing Officer.